

JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1988

**HELD IN THE CITY OF MONTGOMERY,
COMMENCING TUESDAY, FEBRUARY 2, 1988**



Vol. 1

**WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE**

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**FIRST LEGISLATIVE DAY
TUESDAY, FEBRUARY 2, 1988**

This being the first Tuesday in February, A.D., 1988, and the day fixed by law and the Constitution of the State of Alabama for the annual meeting of the Legislature of Alabama:

The Senate of Alabama assembled in the Senate Chamber in the City of Montgomery at 12 o'clock Noon, and was called to order by Lieutenant Governor Folsom, President and Presiding Officer of the Senate.

McDowell Lee, Secretary, was present and acted as such according to law.

PRAYER

The Session was opened with prayer by the Reverend Doctor Hayden Center, Pastor, Heritage Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by April Towner, Houston Hills Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Figures	Manley
Amari	Corbett	Foshee	Menton
Bailey	Covington	Goodwin	Mitchem
Barron	deGraffenried	Hale	Parsons
Bedford	Denton	Hand	Preuitt
Bedsole	Dial	Holmes	Rice
Bennett	Dixon	Horn	Smith (B)
Bishop	Drinkard	Langford	Smith (J)
Cabaniss	Ellis		

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LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Hilliard and Sanders for today.

RESOLUTIONS

Senator deGraffenried offered the following Senate Joint Resolution, to-wit:

S. J. R. 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the President and Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate, Senators Amari, Cabaniss, and Smith (B).

Senator deGraffenried then offered the following Senate Joint Resolution, to-wit:

S. J. R. 2. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a joint session of the House and Senate be held at 6:30 P.M. on February 2, 1988, for the purpose of hearing the message of the Honorable Guy Hunt, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the Senate, to be named by the Presiding Officer of the Senate, and three from the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said committee also serve as a Committee to escort the Governor to the House for the joint session.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate, Senators deGraffenried, Bedsole, and Langford.

Senator deGraffenried then offered the following Senate Joint Resolution, to-wit:

S. J. R. 3. RELATIVE TO THE PRINTING OF THE ACTS AND JOURNALS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the acts and journals of this Regular Session, 1988, be bound separately from any Special Session of 1988.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Rice, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes,

Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuit, Sanders, Smith (B), and Smith (J) offered the following Senate Joint Resolution, to-wit:

S. J. R. 4. MOURNING THE DEATH OF JONNIE DEE RILEY LITTLE OF AUBURN, ALABAMA.

WHEREAS, the Legislature of Alabama is grievously saddened by the untimely death of Jonnie Dee Riley Little of Auburn, Alabama, on January 1, 1988, at the early age of just 51 years; and

WHEREAS, a native of Andalusia, Alabama, and a graduate of that city's public schools, Mrs. Little attended Judson College and received her Master's degree from West Virginia University; she also held the Ph.D. degree from the University of Alabama and had studied additionally at the Cincinnati Conservatory of Music; and

WHEREAS, Mrs. Little, who was a prominent community leader, also was known statewide for her involvement and leadership in the affairs of such organizations as the Alabama State Council of the Arts, and with the Democratic Party, having served in 1980 as a delegate for the Third Congressional District to the National Democratic Convention; and

WHEREAS, professionally, Jonnie Dee Little served as assistant professor of counselor education at Auburn University, as executive secretary of the Judson College Alumni Association, as editor of the alumni publication for the University of Alabama, and as an assistant professor of music at Berry College in Rome, Georgia; and

WHEREAS, Mrs. Little, in serving the local community, was a member of Auburn First Baptist Church, and was a former director of the Women's Missionary Union and a Sunday School teacher; and

WHEREAS, Mrs. Little, however, was perhaps best known throughout Alabama as a strong advocate of the arts, and for its funding in both urban and rural areas of the state, and she was honored by the State Arts Council in 1987 as the recipient of the council's Award of Excellence; and

WHEREAS, Jonnie Dee Little is survived by her husband, Ted Little, our friend and former colleague in the Alabama Senate; by their two daughters, Mollie Dora and Terre Su; and by her two sisters, Inez Riley Moss and Peggy Riley Graves; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Jonnie Dee Riley Little of Auburn, Alabama, and extend deepest sympathy to her husband, daughters and other family members, whose sorrow also is ours and for whom a copy of this resolution shall be provided.

On motion of Senator Rice, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Drinkard offered the following Senate Joint Resolution, to-wit:

S. J. R. 5. ADJOURNMENT RESOLUTION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, February 2, 1988, we adjourn to meet again on Thursday, February 4, 1988, and when we adjourn on Thursday, February 4, 1988, we adjourn to

meet again on Tuesday, February 9, 1988 and when we adjourn on Tuesday, February 9, 1988, we adjourn to meet again on Thursday, February 11, 1988.

On motion of Senator Drinkard, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

H. J. R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has appointed as a committee on the part of the House, Reps. Gaston, Brooks, and Hooper.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, H. J. R. 2, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate, Senators Amari, Cabaniss, and Smith (B).

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

H. J. R. 3. INVITATION FOR JOINT ADDRESS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House

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and Senate be held at 6:15 P. M. on February 2, 1988, for the purpose of hearing the message of the Honorable Guy Hunt, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

And the Speaker appointed as a committee on the part of the House, Reps. Gaston, Brooks, and Hooper.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, H. J. R. 3, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate, Senators Bedsole, Langford, and deGraffenried.

RESOLUTIONS

Senators Cabaniss, Parsons, Bennett, Amari, Horn, deGraffenried, Bailey, Barron, Bedford, Bedsole, Bishop, Campbell, Corbett, Covington, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Langford, Manley, Menton, Mitchem, Preuitt, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Joint Resolution, to-wit:

S. J. R. 6. MOURNING THE DEATH OF PASCHAL PATRICK VACCA OF TARRANT, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of our beloved friend and former colleague, Paschal Patrick Vacca of Tarrant, Alabama, on November 11, 1987, at the age of 86 years; and

WHEREAS, a native of Pennsylvania and a resident of Jefferson County since 1919, "Pat" Vacca was a graduate of the Youngstown Institute of Technology, Youngstown Business University, and of the Birmingham School of Law with the LL.B. degree; he had practiced law in Birmingham since 1937, was a former municipal judge, city attorney and auditor in Tarrant and, at the time of his death, was serving as vice president/general counsel of Bruno's Incorporated; and

WHEREAS, Paschal Vacca was a faithful servant to the Birmingham community through activities of the Boy Scouts, Red Cross, Civitans, Elks, Masons and Shriners, among others; it was on the statewide level, however, that he made a difference to the future of Alabama and in the lives of all citizens thereof; and

WHEREAS, Mr. Vacca was elected to the Legislature in 1958 as a member of the House of Representatives where he served two four-year terms; he then served an additional four terms in the Alabama Senate for

a total of 24 years in leadership, accomplishment and achievement on behalf of our state; and

WHEREAS, among other issues in the interest of the public's well-being, Senator Vacca was a staunch proponent of highway safety and a tireless advocate for the young people of our state; and

WHEREAS, his consuming and dedicated efforts in these areas are reflected in such ways as the numerous pieces of legislation enacted almost solely to his credit; through his personal financial gifts to the University of Montevallo; and in the re-naming of the Roebuck facility of the Department of Youth Services to the "Paschal Vacca Campus," in his honor and in grateful acknowledgement of his championship for youth; and

WHEREAS, Paschal "Pat" Vacca was indeed a man of good works, a very gentle and honorable man, and a truly distinguished Alabamian whose life was a blessing and his loss, a source of grief to us all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we yet remain deeply saddened in the death of Paschal Patrick Vacca of Tarrant, Alabama, and extend our sympathy to his beloved wife of 67 years, Mrs. Lelia Bryant Vacca.

BE IT FURTHER RESOLVED, That the execution of this resolution be duly recorded; that it be printed in its entirety in the official proceedings of this body; and that this commemorative page in the Senate Journals be appropriately bordered in time-honored symbol of mourning, and in memory of Paschal Patrick Vacca.

On motion of Senator Cabaniss, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Smith (J) offered the following Senate Resolution, to-wit:

S. R. 7. COMMENDING THE NATIONAL SPACE AND AERONAUTICS ADMINISTRATION AND NASA ADMINISTRATOR, DR. JAMES C. FLETCHER.

Which was filed.

Senator Parsons offered the following Senate Resolution, to-wit:

S. R. 8. DESIGNATING FEBRUARY 14, 1988, AS MORNING STAR BAPTIST CHURCH DAY.

Which was read and referred to the Standing Committee on Rules.

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 9. CONGRATULATING THE BOEING COMPANY ON ITS SPACE STATION CONTRACT AWARD BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

Also:

S. R. 10. MOURNING THE DEATH OF STEVE MOXLEY OF HUNTSVILLE, ALABAMA.

Which were filed.

Senator Smith (J) then offered the following Senate Resolution, to-wit:

S. R. 11. REQUESTING THE STATE HIGHWAY DEPARTMENT TO CONSTRUCT AN INTERCHANGE ON INTERSTATE 565 AT BROWNS FERRY ROAD IN LIMESTONE COUNTY.

Which was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

The following Bills, having been pre-filed with the Secretary of the Senate under the provisions of Joint Rule 10, were severally read one time, and previous referrals by the President and Presiding Officer to appropriate Standing Committees were confirmed, as follows:

By Senators Dixon, Drinkard, and Bailey:

S. 1. To amend Section 29-2-41, Code of Alabama 1975, which relates to the Contract Review Permanent Legislative Oversight Committee, so as to provide further for the committee's authority to review state contracts.

Committee on Governmental Affairs.

By Senators Bedford and Amari:

S. 2. Relating to civil liability for selling or otherwise furnishing alcoholic beverages unlawfully; to provide liability for selling, giving or otherwise disposing of alcoholic beverages to a minor or in an unlawful manner to a person causing intoxication; to provide for compensatory and punitive damages; to provide liability for sales by the person, corporation, or other entity itself or by or through its agents, servants and employees; to amend Sections 6-5-70 and 6-5-71, Code of Alabama 1975, relating to civil actions for such liability; and to repeal all laws or parts of law in conflict herewith.

Committee on Economic Affairs.

By Senator Bedford:

S. 3. Relating to holding down malpractice insurance costs; to require insurance companies which sell medical and legal liability insurance in this state to report to the appropriate state licensing agencies any judgment or settlement resulting from certain claims for personal injuries, losses or damages caused by an error, omission or negligence in the performance of such professional services; to provide for the form and content of the report made by the insurance company; to provide for the confidentiality of all reports required by this provision and all findings and records made by the licensing board thereon; and to provide penalties for failure to make required reports.

Committee on Banking and Insurance.

By Senators Bedford, Amari, Bennett, and Corbett:

S. 4. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1989.

Committee on Finance and Taxation.

By Senator Ellis:

S. 5. To amend Section 16-5-9 of the Code of Alabama 1975, relating to the budget proposals by the Alabama Commission on Higher Education, so as to provide further for procedures and criteria relating to such budget proposals.

Committee on Finance and Taxation.

By Senators Goodwin and Bennett:

S. 6. To prohibit any person who first votes in the primary election of one party from crossing-over and voting in the subsequent run-off or

primary election of another party; to prescribe the manner of handling and maintaining ballots in a primary election in order to enforce the prohibition on cross-over voting; to prescribe misdemeanor penalties for violations of this act; to preserve the rights of the political party to determine qualifications for membership.

Committee on Governmental Affairs.

By Senator Goodwin:

S. 7. To provide for the establishment and administration of a working capital fund, from certain revenues in the State Road and Bridge Fund, so as to pay claims against the State Highway Department's self-insurance program, pursuant to Section 23-1-41, Code of Alabama 1975, as amended, in the event that the Director of the Highway Department with the approval of the Governor elects to administer this program with Highway Department personnel; and to provide procedures for the establishment and operation of said working capital fund.

Committee on Finance and Taxation.

By Senator Goodwin:

S. 8. To exempt from all state, county or local ad valorem taxes and from all state, county or local sales and use taxes all property owned and used by the Selma-Dallas County Historic Preservation Society.

Committee on Finance and Taxation.

By Senator Goodwin:

S. 9. To amend Section 30-1-7, Code of Alabama 1975, relating to persons authorized to solemnize marriages, so as to authorize retired probate judges to solemnize marriages.

Committee on Judiciary.

By Senator Goodwin:

S. 10. To amend Section 9-17-6, Code of Alabama 1975, which relates to the state oil and gas board, so as to authorize the board to regulate enhanced recovery methods, including Class II injection wells; and to delegate power and authority to a hearing officer; to amend Section 9-17-24, Code of Alabama 1975, which provides for notification and filing fees prior to drilling wells, so as to authorize the board to collect filing fees and application fees, to establish the Alabama State Oil and Gas Board Special Fund, and to provide that well permit fees, filing fees and application fees shall be paid into the State Oil and Gas Board Special Fund.

Committee on Natural Resources.

By Senator Goodwin:

S. 11. To amend Section 28-3A-11 of the Code of Alabama 1975, relating to lounge retail liquor license so as to create a separation of package retail liquor license from the lounge retail liquor license.

Committee on Governmental Affairs.

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By Senator Goodwin:

S. 12. To amend section 36-33-2, Code of Alabama 1975, which provides for security officers for certain members of the executive branch, so as to remove executive security officers exemption from minimum standards.

Committee on Governmental Affairs.

By Senator Goodwin:

S. 13. To amend Section 32-5-240, Code of Alabama 1975, which relates to the use of headlights on motor vehicles, so as to provide further for such use.

Committee on Commerce,
Transportation, and Utilities.

By Senator Menton:

S. 14. To amend Section 12-21-131, Code of Alabama 1975, which relates to interpreters for judicial proceedings for persons defective in speech and/or hearing, so as to provide further for such interpreters.

Committee on Judiciary.

By Senator Goodwin:

S. 15. To further amend Sections 41-9-800 and 41-9-801, Code of Alabama 1975, relating to the Cahaba Trace Commission, so as to increase the membership and to provide terms of office for the members in Autauga County.

Committee on Governmental Affairs.

By Senator Goodwin:

S. 16. Proposing an amendment to the Constitution of Alabama of 1901 providing that members of the boards of registrars in the several counties shall be appointed by the Governor and confirmed by the Senate.

Committee on Governmental Affairs.

The above Bill was read a first time at length as required by the Constitution.

By Senators Bennett, Corbett, and Bedford:

S. 17. To amend section 17-22-10 of the Code of Alabama 1975, relating to disclosure statements on election campaign finances, so as to provide further for such statements.

Committee on Governmental Affairs.

By Senator Ellis (Withdrawn):

S. 18. To amend further Code of Alabama 1975, Section 32-5-313, relating to penalties for traffic infractions which provide funding for the driver education and training fund and the Alabama traffic and safety center fund; so as to provide that the expenditures of funds used to support programs of the Alabama traffic and safety center shall not be controlled by the state

department of education or any institution under its control, retroactively effective to August 8, 1987.

Committee on Judiciary.

By Senator Cabaniss:

S. 19. To amend Section 20-2-93, Code of Alabama 1975, relating to seizure and forfeiture of property in controlled substances cases and to create the Alabama Law Enforcement Drug Program Board; to provide duties of the board; and to establish the Alabama Law Enforcement Drug Program Fund.

Committee on Judiciary.

By Senator Horn (With Notice and Proof):

S. 20. Relating to the composition of the board of directors of that certain public corporation, the Alabama State Fair Authority, created by Act No. 215, 1947 General Acts of Alabama; amending Section 4 of Act No. 215, S. 278, Regular Session 1947 (General Acts of Alabama of 1947, p. 81), as amended, which relates to the composition of the board of such authorities in certain cities having a certain population in Jefferson County, so as to increase the number and providing the manner of their selection.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 20, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Ellis:

S. 21. To amend further Code of Alabama 1975, Section 32-5-313, relating to penalties for traffic infractions which provide funding for the driver education and training fund and the Alabama Traffic Safety Center Fund; so as to provide that the expenditures of funds used to support programs of the Alabama Traffic Safety Center shall not be controlled by the state department of education or any institution under its control, retroactively effective to August 8, 1987.

Committee on Judiciary.

By Senator Holmes:

S. 22. To create the Alabama Education Trust Act and to prescribe the powers and duties of the trust and of its board of directors; to provide for advance tuition payment contracts; to establish an advance tuition payment fund and to provide for its administration; to provide for remedies; and to provide for the repealer of this act if the trust has not entered into an advance tuition payment before January 1, 1990.

Committee on Finance and Taxation.

By Senator Holmes:

S. 23. To create the Alabama Family Medical Catastrophe Fund; to create the Alabama Family Medical Catastrophe Fund Board to administer said fund; to provide for the Board's composition, powers, duty and authority;

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to provide for funding; to provide for income tax refund checkoff donations on state income tax forms with the funds earmarked for the Alabama Family Medical Catastrophe Fund; to provide for the creation of the Alabama Family Medical Catastrophe Fund in the state treasury; and to provide that monies in said fund shall not revert to the general fund but shall be encumbered and carried forward into each succeeding state fiscal year.

Committee on Small Business.

By Senator Holmes:

S. 24. To provide, for an additional fee, to owners of motor vehicles special license tags or plates which represent the various four-year public institutions of higher learning in this state; to provide for the design of said tags or plates; to authorize the revenue department to adopt such rules and regulations as are necessary to implement the provisions hereof and to require the department to furnish lists of said tags to sheriffs of this state; to require the removal of said special school tags upon the sale of a motor vehicle; to prohibit unauthorized use of such tags; and to provide for the distribution of the net proceeds of such fees to the general scholarship funds of the respective four-year public institutions of higher learning.

Committee on Finance and Taxation.

By Senator Mitchem:

S. 25. To amend Section 40-18-20, Code of Alabama 1975, relating to military retirement benefits being exempted from income taxes, so as to provide for a graduated increase in said exemption.

Committee on Finance and Taxation.

By Senator Ellis:

S. 26. To amend Section 41-8-2, Code of Alabama 1975, relating to the board of the Alabama public library service, so as to increase the membership of the said board and to require that each congressional district be represented; to provide for filling vacancies and residential requirements.

Committee on Governmental Affairs.

By Senators Bedford and Bennett:

S. 27. To establish a limit per each calendar year on the quantity of hazardous waste which may be accepted for storage, treatment, or disposal in this state at commercial hazardous waste facilities; to authorize the Alabama Department of Environmental Management to impose monthly limits on the amount of hazardous waste accepted for storage, treatment, or disposal at each commercial hazardous waste facility and to require of each commercial hazardous waste facility a monthly report that accurately states the total amount, in weight, of hazardous waste accepted by said facility during the preceding month; to provide the Alabama Department of Environmental Management with authority to seek appropriate civil and/or criminal penalties against any person or commercial hazardous waste facility which violates the provisions of this act, or any rule, regulation, standard, permit provision, or order promulgated or issued pursuant to this act by the Alabama Department of Environmental Management.

Committee on Economic Affairs.

By Senators Bennett and Bedford:

S. 28. To make appropriations from the general fund of the state treasury for the creation of the "Alabama Hazardous Substance Cleanup

Fund"; to provide that such fund shall be used for the cleanup and restoration of abandoned or inactive sites at which improper disposal of hazardous substances has occurred; to plan and undertake the rehabilitation, removal and cleanup of hazardous substances deposited improperly at sites located within Alabama; to provide that this fund shall be used for sites not qualified for or unlikely to receive funding for cleanup from funds designated for cleanups under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §§9601 et seq.; to provide state matching funds for cleanups under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended; to provide that the fund shall be administered by the Alabama Department of Environmental Management; to provide that the sites within the state shall be ranked according to their relative threats and the fund applied to the sites in the order of that ranking; to direct the Alabama Department of Environmental Management to secure other funds whenever possible; to provide for future appropriations to the fund; to provide for civil penalties against violators; to limit the maximum penalty; and to provide that said appropriations shall be supplemental to any and all other funds.

Committee on Economic Affairs.

By Senator Goodwin:

S. 29. To amend Section 41-16-21.2, Code of Alabama 1975, which exempts certain state agencies whose principal business is honorariums from the competitive bid law, so as to provide further for such exemption.

Committee on Governmental Affairs.

By Senator Denton:

S. 30. To provide that upon the death of a state employee his beneficiary shall be entitled to a payment of at least one-half of his accrued sick leave.

Committee on Finance and Taxation.

By Senators Cabaniss, Hand, Dixon, Bedsole, and Hale:

S. 31. To amend Section 17-22-10 of the Code of Alabama 1975, which relates to campaign contributions, so as to provide further for periodic campaign contributions prior to elections and yearly reports on a quarterly basis of campaign contributions by judicial, state, county or municipal officials, members of the Alabama legislature and candidates for elected offices and the Alabama legislature, and committees contributing to said officials or candidates, to be made to the secretary of state.

Committee on Governmental Affairs.

By Senators Cabaniss, Dial, Hand, and Dixon:

S. 32. Proposing an amendment to the Constitution of Alabama of 1901, relative to providing for a reserve in the annual budget of the state general fund and the Alabama special educational trust fund.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Senator Cabaniss:

S. 33. To establish the Alabama Uniform Arbitration Act; to amend section 8-1-41, Code of Alabama 1975, to provide further for enforcement

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of certain obligations; to validate voluntary written agreements to arbitrate, including those found in labor-management contracts; to provide measures to meet various contingencies that may arise in the arbitration process; to permit the enforcement of agreements to arbitrate by a simple judicial proceeding, and by a similar proceeding; to permit the reduction of an arbitration award to an enforceable judgment; to provide for penalties; and to repeal sections 6-6-1 through 6-6-16, Code of Alabama 1975, which relate to arbitration.

Committee on Judiciary.

By Senator Hale:

S. 34. To amend §36-19-3, Code of Alabama 1975, which relates to the duties and obligations of persons deemed assistants to the fire marshal, so as to exempt said persons from liability for civil damages as a result of their acts or omissions in performing such duties and obligations.

Committee on Judiciary.

By Senator Hale:

S. 35. To amend Section 12-14-5, Code of Alabama 1975, which Section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which Section relates to appeals to the circuit court from judgments of municipal courts; to establish an effective date.

Committee on Judiciary.

By Senator Sanders:

S. 36. To amend Section 13A-6-60, Code of Alabama 1975, so as to remove the exemption from criminal responsibility of the spouse for rape and redefine the term "female" which excludes married victims.

Committee on Judiciary.

By Senator Preuitt:

S. 37. To require written notice to the district attorney and through him to the victim before temporary or conditional release of certain inmates; to define temporary or conditional release; to specify the inmates covered by the crime committed; to specify the notice required and its timing; to define victim; to define notice; and to provide that the district attorney or his assistant may represent the victim in communicating any objections to the Commissioner of the Department of Corrections; and to specifically repeal Section 15-18-114, Code of Alabama 1975.

Committee on Judiciary.

By Senator Dial:

S. 38. To authorize and empower the public service commission to impose a surcharge on customers of telephone companies in the State in order to provide telephone service to persons with hearing and speech impairments.

Committee on Commerce,
Transportation, and Utilities.

By Senator Dial:

S. 39. To provide for the regulation of wastewater treatment utilities by the public service commission; to provide for inspection and supervision

fees relating to such regulation; and to provide penalties for violations of this act.

Committee on Commerce,
Transportation, and Utilities.

By Senator Dial:

S. 40. To amend Section 37-1-47 of the Code of Alabama 1975, relating to Public Service Commission intervention in certain federal proceedings, so as to provide further for participation in federal proceedings by the Public Service Commission.

Committee on Commerce,
Transportation, and Utilities.

By Senator Dial:

S. 41. To amend Section 37-4-23 of the Code of Alabama 1975, to further provide for the disposition and disbursement of inspection and supervision fees of utilities collected thereunder.

Committee on Commerce,
Transportation, and Utilities.

By Senator Dial:

S. 42. To provide for assessment of certain fees by the public service commission for clerical and administrative services and to amend Section 37-3-32 of the Code of Alabama 1975, which provides for certain fees paid by motor carriers, so as to provide further for such fees.

Committee on Commerce,
Transportation, and Utilities.

By Senator Dial:

S. 43. To amend Section 37-2-41 of the Code of Alabama 1975, relating to inspection and supervision fees of transportation companies, so as to provide further for such fees.

Committee on Commerce,
Transportation, and Utilities.

By Senator Dial:

S. 44. To amend Section 37-4-116 of the Code of Alabama 1975, relating to fees for inspection and supervision of radio utilities, so as to provide further for such fees and to provide for payment on a quarterly basis.

Committee on Commerce,
Transportation, and Utilities.

By Senator Dial:

S. 45. To amend Section 37-2-41 of the Code of Alabama 1975, relating to inspection and supervision fees for transportation companies, so as to

provide funds for the regulation and enforcement of customer-owned, coin-operated telephone providers.

Committee on Commerce,
Transportation, and Utilities.

By Senator Dial:

S. 46. To protect the public safety by providing for notices to public utilities by persons excavating or discharging explosives near utility facilities or demolishing buildings containing utility facilities; to provide for notices to affected parties when underground facilities are damaged; to provide for the establishment of prima facie negligence for failure to comply with certain provisions of this act and to prescribe penalties for violations hereof.

Committee on Commerce,
Transportation, and Utilities.

By Senator Dial:

S. 47. To require pipeline facilities transporting hazardous liquids and/or liquified natural gas (LNG) and facilities used in the liquification of natural gas to comply with certain standards of safety; granting certain additional rights, powers and authority to the Alabama Public Service Commission to carry out the purposes of this Act; prescribing jurisdictions of courts for injunction proceedings; and prescribing monetary sanctions for violations of certain standards of safety.

Committee on Commerce,
Transportation, and Utilities.

By Senator Dial:

S. 48. To amend Section 36-21-8 of the Code of Alabama 1975, relating to certain retirement benefits for law enforcement officers so as to allow such benefits to retiring members of the Alabama Public Service Commission Motor Carrier Enforcement Division.

Committee on Commerce,
Transportation, and Utilities.

By Senator Dial:

S. 49. To provide for Public Service Commission jurisdiction over the safety of spur tracks, sidetracks, and rolling stock not owned by railroads, but either used by railroads or used on the tracks of railroads subject to the jurisdiction of the Commission and to provide for certain supplemental effect.

Committee on Commerce,
Transportation, and Utilities.

By Senator Dial:

S. 50. To provide for the Public Service Commission exclusive jurisdiction over the enforcement of minimum safety standards, orders, rules and regulations pertaining to railroads adopted by the United States Department of Transportation, Federal Railroad Administration, pursuant to the provisions of the Federal Railroad Safety Act of 1970; to provide necessary funding for this and other functions of the Public Service Commission in the

regulation of transportation companies; and to provide for penalties for any default thereunder.

Committee on Commerce,
Transportation, and Utilities.

By Senator Dial:

S. 51. To amend Section 37-1-66, Code of Alabama 1975, to give full police power to members of the Enforcement Division of the Public Service Commission, except in the execution of search warrants.

Committee on Commerce,
Transportation, and Utilities.

By Senator Dial:

S. 52. To provide immunity from personal liability for members of the Alabama Public Service Commission.

Committee on Commerce,
Transportation, and Utilities.

By Senator Denton:

S. 53. To amend Section 4 of Act No. 87-603, H. 251, 1987 Regular Session [(Acts 1987, p. 1047), now appearing as section 13A-12-213, Code of Alabama 1975], relating to the unlawful possession of marihuana in the first degree, so as to include possession of marihuana on school premises within the offense.

Committee on Judiciary.

By Senators Dial, Manley, Bailey, Hand, Dixon, Cabaniss, Barron, and Foshee:

S. 54. To repeal Sections 16-24A-1 through 16-24A-29 of the Code of Alabama 1975, as amended, known as the Alabama Performance-Based Career Incentive Program Act.

Committee on Education.

By Senator Dial:

S. 55. To amend Section 40-12-252, Code of Alabama 1975, relating to the annual license taxes and registration for certain trailers, so as to provide an option of five-year registration for truck trailers, tractor trailers or semi-trailers.

Committee on Commerce,
Transportation, and Utilities.

By Senators Dial, Manley, and Dixon:

S. 56. To repeal Section 22-6-5, Code of Alabama 1975, relating to the retention of eligibility for benefits by Medicaid patients who are in a nursing home and whose incomes increase to amounts exceeding the eligibility limit.

Committee on Health.

By Senator Dial:

S. 57. To impose a ban on the development of new commercial hazardous waste treatment or disposal facilities in the state with certain exceptions; to impose an annual limit on the volume of hazardous wastes which

may be disposed of at existing commercial hazardous waste treatment or disposal facilities; to provide for an annual reduction in the yearly volume of disposal at existing facilities; to provide certain definitions; to require certain records to be maintained; and to provide for penalties for violation of the imposed volume limitations.

Committee on Commerce,
Transportation, and Utilities.

By Senator Dial:

S. 58. To establish the "Alabama Hazardous Substance Cleanup Fund"; to provide that such fund shall be used for the cleanup and restoration of abandoned or inactive sites at which improper disposal of hazardous substances has occurred; to plan and undertake the rehabilitation, removal and cleanup of hazardous substances deposited improperly at sites located within Alabama; to provide that this fund shall be used for sites not qualified for or unlikely to receive funding for cleanup from funds designated for cleanups under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. §§ 9601 et seq.) and to provide state matching funds for cleanups under the Comprehensive Environmental Response, Compensation and Liability Act of 1980; to provide that the fund shall be administered by the Alabama Department of Environmental Management; to direct the Alabama Department of Environmental Management to secure other funds whenever possible.

Committee on Commerce,
Transportation, and Utilities.

By Senator Dial:

S. 59. Relating to water quality and protection; authorizing the Alabama Department of Environmental Management to establish programs requiring the licensing of persons engaged in the activities of underground storage tank installation, repair or removal, monitoring and injection well installation, and tightness testing of underground storage tanks; authorizing said Department to establish construction standards for monitoring wells and to require closure of abandoned wells and boreholes where closure is not already required under existing statutes; prescribing penalties for violations of this act and authorizing said Department to promulgate rules and regulations to carry out the purposes of this act.

Committee on Commerce,
Transportation, and Utilities.

By Senator Dial:

S. 60. Relating to water quality and protection; to authorize the Alabama Department of Environmental Management to establish a regulatory program for underground storage tanks and to establish a state program to protect wellhead areas of public water supply systems from contaminants which may have an adverse effect on the health of persons; to amend Section 22-22A-5, Code of Alabama 1975, which relates to the powers and functions of the Department, so as to prescribe penalties for violations of this act; and to authorize said Department to promulgate rules and regulations to carry out the purposes of this act.

Committee on Commerce,
Transportation, and Utilities.

By Senator Campbell:

S. 61. To amend Section 9-13-63, Code of Alabama 1975, which provides for the maintaining of records of purchases of manufactured forest products,

so as to provide further therefor; and to increase the misdemeanor penalty for failure to maintain such records.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Campbell:

S. 62. To amend Section 36-1-4.1, Code of Alabama 1975, which provides for payroll deductions of public employees for certain national health services, so as to include Mental Health Association in Alabama, Inc., and National Council on Alcoholism, Inc., Alabama Division, within the definitions of charitable organizations as used in this section.

Committee on Finance and Taxation.

By Senators Campbell and Bedsole:

S. 63. To amend Section 33-5-24, Code of Alabama 1975, relating to the operation of vessels and certain other devices, so as to provide that no person shall operate any vessel or certain other device on the waters of this state under the influence of any controlled substance or when there is 0.10% or more by weight of alcohol in his blood; to provide for the consent to and the administering of chemical tests; and to further provide for penalties for the violation of this section.

Committee on Judiciary.

By Senator Denton:

S. 64. Providing for the licensing and regulation of persons, firms, associations and corporations engaged in the alarm systems business in this state under the regulatory authority of a board created and established by this act; authorizing the board to prescribe fees for certain licenses related to such business; prescribing penalties for enforcement and providing procedures for the administration of this act and providing initial funding from the state general fund for this act.

Committee on Small Business.

By Senators Dixon, Manley, and Dial:

S. 65. To authorize the department of human resources to remove certain items of fully depreciated state property which have little or no resale or reuse value to the state from state property inventory by transferring title and ownership of same to purchase of service contractors who will continue to utilize those items in providing needed services to clients of the department of human resources.

Committee on Governmental Affairs.

By Senators Dixon, Manley, and Dial:

S. 66. To amend Section 5-5A-28, Code of Alabama 1975, as amended, so as to include deposits of trust funds deposited in a bank by its trust department to the list of deposits for which the bank is authorized to pledge assets as security therefor.

Committee on Banking and Insurance.

By Senators Dixon and Manley:

S. 67. To amend Sections 13A-6-21 and 13A-6-22, Code of Alabama 1975, which provide for the crime of assault, so as to provide that an assault

with intent to prevent peace officers from performing a lawful duty that causes physical injury to any person shall be a Class C felony.

Committee on Judiciary.

By Senators Bedsole and Langford:

S. 68. To amend Section 11-81-21 of the Code of Alabama 1975, to add thereto other securities in which municipal or county funds not presently needed for other purposes may be invested.

Committee on Governmental Affairs.

By Senators Langford and Bedsole:

S. 69. To propose and provide for the submission of an amendment to the Constitution of 1901, as amended; providing that no law whose purpose or effect is to provide for a new or increased expenditure of municipal funds held or disbursed by the municipal governing body shall become effective as to any municipality of this state until the first day of the fiscal year next following the passage of such law unless such law is approved by a resolution duly adopted by and spread upon the minutes of the municipal governing body of the municipality affected thereby, or such law (or other law or laws which specifically refer to such law) provides the respective municipal governing bodies with new or additional revenues sufficient to fund such new or increased expenditures; providing for an election thereon; and prescribing an effective date for the proposed amendment.

Committee on Governmental Affairs.

The above Bill was read a first time at length as required by the Constitution.

By Senator Menton:

S. 70. To provide that any local city or county board of education be allowed to shorten the minimum number of school days up to a maximum of five days because schools were closed due to a natural disaster and to provide that no school shall lose any funds and that no teachers or employees shall lose any pay due to the provisions of this Act.

Committee on Education.

By Senator Menton:

S. 71. To further provide for seafoods and marine resources licenses in this state; to amend Section 9-12-119, Code of Alabama 1975, relating to issuance of licenses, so as to further provide for the issuance thereof, to increase the issuance fees, to specify that said issuance fees shall be in addition to the cost of licenses, to specify that the license fees shall be credited to the marine resources fund, and to provide for the return to the department of conservation and natural resources of unused licenses and stubs of licenses issued; to amend Section 9-12-82, Code of Alabama 1975, relating to "oyster catcher" licenses, so as to provide that the cost thereof shall be \$50.00; to repeal Section 9-12-84, Code of Alabama 1975; to amend Section 9-12-93, Code of Alabama 1975, relating to certain "shrimp boat" licenses, so as to increase fees and establish categories of license fees for residents, to further provide for use of recreational boats catching shrimp for certain purposes, to further provide for nonresident license fees, and to provide that license fees shall be deposited to the marine resources fund; to

repeal Section 9-12-92, Code of Alabama 1975; to amend Section 9-12-113, Code of Alabama 1975, relating to certain commercial hook and line and net or seine licenses, so as to increase and further provide for resident license fees, to further provide for nonresident license fees, to provide certain exemptions for certain seines, to further provide for the possession of said licenses, to require certain nets and seines to bear a certain tag, to provide that certain nets and seines utilized in certain illegal manners shall be nuisances and subject to confiscation, to provide for the forfeit of certain nets and seines under certain circumstances, and to require the immediate return to waters of game fish taken by nets or seines pursuant to this code section; to provide for a certain recreational gill net license for a fee of \$50.00, and to prohibit the sale or barter or offer for sale or barter of fish taken pursuant to this license; to provide for and require a "crab catcher's" license for the taking of crabs for commercial purposes or the using by individuals for personal, noncommercial purposes of more than five (5) crab traps, to provide for a license fee of \$50.00, to provide for individual use of up to five (5) crab traps for personal, noncommercial purposes without said license, to require crab traps and commercial crab boats to display certain identifying markings, to prohibit the taking of crabs from traps of others without authorization, to provide for the deposit of license proceeds to the marine resources fund, to provide for a September 30 expiration date, and to provide penalties for the violation thereof; to provide for and require a "seafood dealer's" license, to define "seafood dealer", to provide for a license fee of \$125.00, to provide for certain exemptions, to prohibit certain restaurants and grocers from certain purchases of certain seafoods without said license, to provide for and require additional said licenses under certain circumstances, to provide from whom "seafood dealers" may purchase seafoods, to prohibit the sale of seafoods as provided for in this section without said license, and to provide penalties for the violation of this section; and to repeal sections 9-12-86, 9-12-88, 9-12-89, 9-12-90, 9-12-91, 9-12-81 and 9-12-114, Code of Alabama 1975.

Committee on Agriculture,
Conservation, and Forestry.

By Senators Cabaniss, Hand, Ellis, and Denton:

S. 72. To limit the amount of bituminous plant mix which may be purchased or used on any highway construction project when the utilization or use of the bituminous plant mix will be or is accomplished by personnel of the highway department working on the project.

Committee on Judiciary.

By Senator Menton:

S. 73. To amend Section 40-13-8, Code of Alabama 1975, as amended, so as to provide that the excise and privilege tax on coal shall terminate at the latest of the final maturity, redemption of and payment of all accrued interest on (i) bonds issued by the Alabama State Docks Department pursuant to Act No. 64 enacted at the 1971 First Special Session of the Legislature of Alabama, (ii) any obligations issued to refund any of the bonds issued pursuant to that Act or (iii) any obligations issued to refund any obligations described in clause (ii).

Committee on Commerce,
Transportation, and Utilities.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senators Corbett, Menton, and Campbell:

S. 74. Relating to the Alabama Sunset Law; to continue the existence and functioning of the real estate commission as provided in Sections 34-27-1 through 34-27-38, Code of Alabama 1975, with certain modifications; to amend Sections 34-27-3, 34-27-7, 34-27-8, 34-27-31, 34-27-32, 34-27-33, 34-27-34, 34-27-35, and 34-27-37, Code of Alabama 1975, so as to delete references to certain activities of nonresident real estate brokers pursuant to a stipulation of settlement of a United States District Court Order of the Middle District of Alabama, Northern Division (CA 87-T-335-N), styled "Georgia Association of Realtors vs. Alabama Real Estate Commission"; to limit commission members to two (2) consecutive terms of office; to add two (2) additional members to the commission; to require senate confirmation of appointees; to require the rules of the commission be adopted pursuant to the state administrative procedure statutes; and to provide further for the educational requirements, testing requirements and other requirements of the licensees of the board; and to provide further for rehearings of actions of the board.

Committee on Governmental Affairs.

By Senators Corbett, Menton, and Campbell:

S. 75. Relating to the Alabama Sunset Law; to continue until October 1, 1989, the existence and functioning of the Insurance Department as provided in Sections 27-2-1 through 27-2-55, generally, and Section 27-2-1 specifically, Code of Alabama 1975, with certain modifications; to amend Section 27-2-17, Code of Alabama 1975, so as to require the rules and regulations of the department be adopted in accordance with the state administrative procedure statutes.

Committee on Governmental Affairs.

By Senators Corbett, Menton, and Campbell:

S. 76. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of heating and air conditioning contractors as provided in Sections 34-31-18 through 34-31-34, Code of Alabama 1975, with certain modifications; to amend Sections 34-31-18, 34-31-19, 34-31-20, 34-31-21, 34-31-28, 34-31-29 and 34-31-32, Code of Alabama 1975, so as to: include service and repair persons as certified by the board; to allow contractors to install, service or repair natural gas appliances, to limit board members to two (2) consecutive terms; to authorize the board to take testimony, hold hearings, subpoena witnesses; to take certain disciplinary action; and to provide further for examinations of the board.

Committee on Governmental Affairs.

By Senators Corbett, Menton, and Campbell:

S. 77. Relating to the Alabama Sunset Law; to continue the existence and functioning of the plumbing examiners board as provided in Section 40-12-145, Code of Alabama 1975.

Committee on Governmental Affairs.

By Senators Corbett and Campbell:

S. 78. Relating to the Alabama Sunset Law; to continue the existence and functioning of the public service commission as provided in Section 37-1-1, Code of Alabama 1975.

Committee on Governmental Affairs.

By Senators Corbett, Menton, and Campbell:

S. 79. Relating to the Alabama Sunset Law; to continue the existence and functioning of the pilotage commission as provided in Sections 33-4-1 through 33-4-57, Code of Alabama 1975, with certain modifications; to amend Section 33-4-48, Code of Alabama 1975, so as to change the method of computing pilots' fees.

Committee on Governmental Affairs.

By Senators Corbett, Menton, and Campbell:

S. 80. Relating to the Alabama Sunset Law; to continue the existence and functioning of the alcoholic beverage control board as provided in Section 28-3-40, Code of Alabama 1975.

Committee on Governmental Affairs.

By Senators Corbett, Menton, and Holmes:

S. 81. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of examiners of mine personnel as provided in Sections 25-9-1 through 25-9-30, Code of Alabama 1975, with certain modifications; to amend Sections 25-9-9 and 25-9-15, Code of Alabama 1975, so as to limit members to two (2) consecutive terms of office; and allow reprimand as disciplinary action.

Committee on Governmental Affairs.

By Senators Corbett, Menton, and Campbell:

S. 82. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of examiners in psychology as provided in Sections 34-26-1 through 34-26-48, Code of Alabama 1975, with certain modifications; to amend Sections 34-26-21, 34-26-22, 34-26-41, 34-26-43 and 34-26-46, Code of Alabama 1975, so as to add 2 members to the board; to limit board members to two (2) consecutive terms of office; to limit board members travel expenses; to allow the recognition of areas of specialization for practice; to authorize the adoption of rules pursuant to the administrative procedure statutes; to allow certain reciprocal agreements for out of state applicants; to remove automatic appropriation clause; and to expand grounds for revoking or suspending licenses.

Committee on Governmental Affairs.

By Senators Corbett, Menton, and Campbell:

S. 83. Relating to the Alabama Sunset Law; to continue the existence and functioning of the state board of public accountancy as provided in Sections 34-1-1 through 34-1-22, Code of Alabama 1975, with certain modifications to amend Section 34-1-3, Code of Alabama 1975, so as to: preserve one public accountant on the board; to provide board members the same

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per diem and allowance as state employees; and to provide for confidentiality of board records.

Committee on Governmental Affairs.

By Senators Corbett, Menton, Holmes, and Campbell:

S. 84. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Securities Commission as provided in Sections 8-6-50 through 8-6-60, Code of Alabama 1975, with certain modifications; to amend Sections 8-6-52 and 8-6-56, Code of Alabama 1975, so as to restrict members' terms of office to two (2) consecutive terms of office; and to provide further for the salary of the director of the commission.

Committee on Governmental Affairs.

By Senators Corbett, Menton, and Campbell:

S. 85. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of auctioneers as provided in Sections 34-4-1 through 34-4-54, Code of Alabama 1975, with certain modifications; to amend Sections 34-4-21, 34-4-50, 34-4-53, and 34-4-54, Code of Alabama 1975, so as to provide for a one-year limit on the grandfather clause; to establish penalties for late renewals of licensees of the board; to require board rules be adopted pursuant to the administrative procedure statutes; to limit board members to two (2) consecutive terms of office; to remove the annual limit of expenses of the board; and to transfer the board's funds to the state treasury.

Committee on Governmental Affairs.

By Senators Corbett, Menton, and Campbell:

S. 86. Relating to the Alabama Sunset Law; to continue the existence and functioning of the examining board for professional entomologists, horticulturists, plant pathologists, floriculturists and tree surgeons as provided in Sections 2-28-1 through 2-28-12, Code of Alabama 1975, with certain modifications; to amend Sections 2-28-4 and 2-28-7, Code of Alabama 1975, so as to require a \$12.00 examination fee by the board; and to allow revocation by the commissioner or by the board of an individual's certification under Chapter 28, Title 2.

Committee on Governmental Affairs.

By Senators Corbett, Menton, Holmes, and Campbell:

S. 87. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of cosmetology as provided in Sections 34-7-1 through 34-7-47, Code of Alabama 1975, with certain modifications; to amend Section 34-7-40, Code of Alabama 1975, so as to require the boards rules be adopted in compliance with the administrative procedures statutes.

Committee on Governmental Affairs.

By Senators Corbett, Menton, Holmes, and Campbell:

S. 88. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of social work examiners as provided in Sections 34-30-1 through 34-30-58, Code of Alabama 1975, with certain modifications; to amend Sections 34-30-27, 34-30-33, 34-30-50, 34-30-51 and 34-30-57, Code of Alabama 1975, so as to provide further for the grandfather clause; to

provide penalties for unlawful practices; to limit terms of office to 2 consecutive terms; and to specify board rules be adopted pursuant to administrative procedures law.

Committee on Governmental Affairs.

By Senators Corbett, Menton, Holmes, and Campbell:

S. 89. Relating to the Alabama Sunset Law; to continue the existence and functioning of the liquefied petroleum gas board as provided in Sections 9-17-100 through 9-17-110, Code of Alabama 1975, with certain modifications; to amend Sections 9-17-101, 9-17-103 and 9-17-105, Code of Alabama 1975, so as to limit board members to two (2) consecutive terms of office; to specify rules and regulations of the board be adopted in accordance with state administrative procedure statutes; and to modify insurance requirements.

Committee on Governmental Affairs.

By Senators Corbett, Menton, and Campbell:

S. 90. Amending section 41-20-3, Code of Alabama 1975, relating to enumerated agencies pursuant to the state sunset statutes for periodic review of state agencies, boards, councils, departments and bureaus, so as to add the renamed and expanded Alabama plumbers and gas fitters examining board created by section 34-37-2, Code of Alabama 1975, to the list of enumerated agencies, and to delete a reference to the board of medical technicians examiners, which board has been previously terminated.

Committee on Governmental Affairs.

By Senators Corbett, Menton, Holmes, and Campbell:

S. 91. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of funeral service as provided in Sections 34-13-1 through 34-13-152, Code of Alabama 1975, with certain modifications; to amend Sections 34-13-20, 34-13-23, 34-13-26, 34-13-29, 34-13-56, 34-13-70, 34-13-90, 34-13-111, 34-13-132 and 34-13-134, Code of Alabama 1975, so as to: limit board members to two (2) consecutive terms of office; to require the board's rules and regulations be promulgated pursuant to the state administrative procedure statutes; to limit board members' travel and per diem allowances; to remove the board's continuing appropriation; to remove the requirement that chairman approves expenditures; to provide for communicable disease notification; to provide for disciplinary action for intoxication by alcoholic beverages and gross negligence in embalming human bodies; to allow reasonable examination fees by the board; to delete references to "branches" of funeral establishments; and to require operators to report on their license renewal dates.

Committee on Governmental Affairs.

By Senator Drinkard:

S. 92. To amend Code of Alabama 1975, §32-5A-191, to provide that the driver of a truck, truck tractor, road tractor, trailer, semitrailer, or pole trailer with a gross vehicle weight rating of 10,001 pounds or more, or the driver of a bus, or the driver of a school bus, or the driver of a taxicab, who has 0.04 percent or more by weight of alcohol in his blood, commits the crime of driving under the influence of alcohol.

Committee on Judiciary.

By Senators Mitchem, Barron, Rice, Amari, Smith (J), Foshee, Langford, Holmes, Hale, Horn, Dial, Bennett, Hand, Drinkard, Ellis, deGraffenried, Covington, Campbell, Denton, Dixon, Menton, Preuitt, Bailey, and Bishop:

S. 93. To provide for a cost of living increase to certain retirees and beneficiaries receiving a monthly benefit from the Teachers' Retirement System of Alabama and in certain cases the Employees Retirement System of Alabama. To further provide for an adjustment in said increase for beneficiaries and for those retirees who elected a monthly survivor option; to provide for the funding of such benefits, and to provide that no person shall be entitled to receive the benefits granted herein if receipt of such will jeopardize such persons eligibility to receive Medicaid benefits.

Committee on Finance and Taxation.

By Senator Smith (J):

S. 94. To amend Code of Alabama 1975, §20-2-93, relating to seizure and forfeiture of property in controlled substances cases.

Committee on Judiciary.

By Senator Drinkard:

S. 95. To amend Section 35-10-26, Code of Alabama 1975, so as to provide that title passing by a mortgage will not divest until all secured obligations are paid and there is no commitment or agreement by the mortgagee to make advances, incur obligations or otherwise give value under any agreement; to provide for the satisfaction of mortgages; to provide for severability of the provisions of this Act; to provide for repeal of conflicting laws; and to provide an effective date.

Committee on Banking and Insurance.

By Senator Drinkard:

S. 96. Relating to state deposits, to create the 1988 George Wallace, Jr., Plan of Linked Deposits; to provide for legislative intent and purpose; to provide for definitions; to authorize the state treasurer to use a certain percentage of state funds for the Plan; to authorize the treasurer to enter into agreements with participating lending institutions of this state whereby the state makes deposits with participating lending institutions at rates of interest lower than the prevailing market rates of interest in return for the commitment of the lending institution to lend equal amounts of funds to eligible agricultural and business borrowers at similarly reduced rates of interest with the objective of stimulating agriculture and business and preserving or creating jobs for Alabama citizens; to establish criteria for qualifying for such low interest loans; to provide for amounts and terms of such loans; to provide for the pricing of such linked deposits and the loans upon which they are based; to provide for application forms and procedures for such loans; to require annual reporting by the treasurer to the legislature regarding the Plan; and to specifically terminate the Plan September 30, 1991, unless the legislature extends it.

Committee on Finance and Taxation.

By Senators Campbell, Hale, and Amari:

S. 97. To require the posting of personnel vacancy notices by all public school systems and certain educational institutions at each school campus

or work site at least 20 calendar days or 15 workdays before such personnel positions are to be filled.

Committee on Education.

By Senators Bishop and Bedsole:

S. 98. To amend §8-15-7, Code of Alabama (1975), which provides for insurance and bonding requirements for public warehouses so as to allow a bond equivalent in lieu of a bond in the form of cash or government bonds; to amend §8-15-10, which provides civil penalties for operating a public warehouse without being licensed, from civil penalties to a Class "B" misdemeanor.

Committee on Banking and Insurance.

By Senator Bishop:

S. 99. To amend Sections 16-1-18, 16-8-25, 16-12-21, 16-22-9, and 21-1-21 Code of Alabama, 1975, relating to limits on sick leave so as to increase the maximum number of possible accumulated sick leave days from 150 to 180 for educational personnel at the Alabama Institute for Deaf and Blind and in all public city and county school systems.

Committee on Education.

By Senator Figures:

S. 100. To provide that the Judicial Inquiry Commission's investigative and litigation costs shall be paid out of the funds appropriated annually to the court costs fund or funds; and to provide for repayment of any refunded or recaptured amounts to the court cost fund or general fund.

Committee on Judiciary.

By Senators Bennett, Parsons, Langford, and Amari:

S. 101. To amend Sections 16-8-26, 16-8-26.1, and 21-1-22, Code of Alabama, 1975, relating to personal leave for school personnel so as to provide for the accumulation of personal leave days.

Committee on Education.

By Senators Bennett and Bedford:

S. 102. To provide for the investment of the ad valorem taxes collected by the ad valorem tax officials of this State, to provide for the distribution of interest on such investment, to establish a fund out of a portion of the interest on said investments for the use of said officials, and to specify certain uses and restrictions on the use of said fund.

Committee on Finance and Taxation.

By Senators Bennett and Bedford:

S. 103. To provide for the correction of errors made in the assessment, computation, calculation and collection of ad valorem taxes, including penalties or fees due thereon and any mechanical errors found in the tax return, and to further provide for the refund of overpayments due to such errors.

Committee on Finance and Taxation.

By Senator Bennett:

S. 104. To amend Sections 36-21-68, 36-21-71, 36-21-74, and 36-21-76, Code of Alabama 1975, relating to the Alabama Peace Officers' Annuity and

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Benefit Fund, so as to eliminate purchasing of past service by new members of the fund; and to provide further for disability benefits and continued membership.

Committee on Finance and Taxation.

By Senators Campbell, Hale, Covington, and Manley:

S. 105. To amend Section 11-52-3, Code of Alabama, 1975, to permit the mayor to appoint a person to sit on the municipal planning commission in his stead and to provide for a term for such person.

Committee on Governmental Affairs.

By Senators Bennett and Bedford:

S. 106. To amend Section 22-30-5.1, Code of Alabama 1975, as amended, to prohibit the siting or construction of any commercial hazardous waste treatment facility or disposal site in this state after December 31, 1988, until the select joint nuclear energy activities and hazardous chemical toxic waste oversight committee submits its written findings and recommendations regarding said proposed siting or construction and the legislature thereafter gives approval therefor by joint resolution; to require the hazardous waste committee to consider and include in said written report an evaluation of various criteria set forth herein; and it names the bill "The Hazardous Waste Control Amendment of 1988."

Committee on Health.

By Senator Holmes:

S. 107. To amend Sections 34-36-3, 34-36-4, 34-36-6 and 34-36-13 relating to electrical contractors, so as to authorize the board of electrical contractors to regulate and license certain master and journeyman electricians and to contract for an executive secretary.

Committee on Small Business.

By Senator Holmes:

S. 108. To amend §16-25A-17, Code of Alabama 1975, so as to provide authority for additional funding of health insurance benefits for retired teachers not eligible to receive benefits under the federal Medicare program.

Committee on Finance and Taxation.

By Senators Bennett and Amari:

S. 109. To amend Section 12-15-69, Code of Alabama 1975, relating to the ordering and preparation of a predisposition study and report in certain juvenile proceedings, so as to provide further for such predisposition study and report by authorizing the services of volunteer court-appointed special advocates.

Committee on Judiciary.

By Senators Cabaniss, deGraffenried, and Drinkard:

S. 110. To create the Alabama Self-Insurers Guaranty Association; to provide for the membership and duties of the board of directors of the association; to establish an insolvency fund; to establish procedures by which claims may be filed and paid; to provide that the department of industrial

relations shall regulate the association; and to provide for immunity from certain liability for the association.

Committee on Judiciary.

By Senators Cabaniss, Hand, Foshee, and Dial:

S. 111. To amend Section 40-18-19 of the Code of Alabama 1975 relating to income tax exemptions, so as to provide further for such exemptions.

Committee on Finance and Taxation.

By Senators Cabaniss, Manley, and deGraffenried:

S. 112. To amend Section 43-2-502 of the Code of Alabama 1975, relating to the filing of accounts by executors or administrators, so as to provide that the written evidence in the possession of an executor or administrator on which the executor or administrator relies to sustain the credit side of the account may consist of an affidavit or any other legal evidence, in the discretion of the executor or administrator.

Committee on Judiciary.

By Senators deGraffenried and Holmes:

S. 113. To amend §§16-25-14(a), 16-25-15(b), 36-27-16(a), 36-27-16(c) and 36-27B-3, Code of Alabama 1975 as amended, so as to provide service retirement upon completion of twenty-five years of creditable service for members of the Teachers' and Employees' Retirement Systems of Alabama, provided that any employee whose employer participates in the Employees' Retirement System pursuant to §36-27-6, Code of Alabama 1975, shall only be entitled to such benefits if his employer shall elect to come under the provisions of this act and to fund the additional cost of such benefits; to further amend such sections to clarify and conform the preretirement death benefit to the new requirements for service retirement and to provide an election to receive the preretirement death benefit in lieu of a survivor allowance, at the option of the surviving beneficiary; to provide that the provisions of this act relating to service retirement upon completion of twenty-five years of creditable service shall become effective only upon certification of the Systems' actuary that the provisions can be implemented without increasing the state's employer cost rate; to provide further for the deletion of mandatory retirement provisions in the teachers' and employees' retirement system laws to conform with federal antidiscrimination requirements.

Committee on Finance and Taxation.

By Senators deGraffenried, Manley, Preuitt, Denton, Barron, Hale, Foshee, and Rice:

S. 114. Relating to employment security programs of the Department of Industrial Relations so as to provide for an assessment of 0.06% against wages paid by certain employers for a three-year period beginning January 1, 1989 and ending December 31, 1991; to provide for the collection, appropriation and disbursement of such assessment, and to provide for the establishment of the "Employment Security Administration Enhancement Fund" in the state treasury; to amend sections 25-4-31 and 25-4-54, Code of Alabama 1975, so as to provide for a reduction of 0.06% in the rates of unemployment compensation contributions of certain employers effective for calendar years beginning on January 1, 1989 and ending on December 31,

1991, to provide for the transfer from the clearing account certain moneys into certain separate special funds in the state treasury.

Committee on Business and
Labor Relations.

By Senator deGraffenried:

S. 115. Relating to banks and banking, which amends Title 5 of the Code of Alabama 1975 by adding Chapter 14A so as to create the "Alabama Credit Card Act"; provides a short title; provides definitions; authorizes any bank holding company, bank holding company subsidiary, domestic lender or foreign lender to establish or acquire, and own and control either singly or jointly with other bank holding companies, bank holding company subsidiaries, domestic lenders or foreign lenders, a single credit card bank whose principal place of business is in Alabama subject to the approval of the Superintendent of Banks; provides the terms, conditions and limitations under which a credit card bank may be established or acquired, and owned and controlled; provides that in connection with a credit card account any domestic lender or credit card bank may provide in the credit card agreement such finance charges, interest rates, charges for cash advances, charges for exceeding pre-established credit limits, late fees or delinquency charges, premiums on credit life and credit accident and health insurance, annual fees, and other charges and fees, and such other terms and conditions as the lender and the debtor may agree to from time to time; provides for regulatory supervision of, and enforcement authority over, credit card banks; provides for applications, and application filing fees to the Superintendent of Banks; provides that the Superintendent may order credit card banks to cease all operations under certain conditions and may impose civil penalties for failure to abide by such order; provides that the Superintendent may require divestiture of a credit card bank under certain conditions; provides that the Superintendent may promulgate rules and regulations; provides that credit card banks shall be subject to all other banking laws except where any rights, powers, privileges or provisions thereof are inconsistent with the rights, powers, privileges, provisions or limitations of Chapter 14A of Title 5 of Code of Alabama 1975; provides that a credit card bank shall not be considered a "bank" for the purpose of certain banking laws; provides for severability of provisions; provides for the repeal of Section 5-20-1, Code of Alabama 1975, which establishes fees for credit cards and certain other open-end credit plans, and for the amendment or repeal of conflicting provisions of law; and provides an effective date.

Committee on Banking and Insurance.

By Senator deGraffenried:

S. 116. To provide further for the revision of the guardianship laws of this state by amending Sections 1-106, 1-107, 2-104, 2-309, 2-313 and 2-334 of the Alabama Uniform Guardianship and Protective Proceedings Act, Act No. 87-590, H. 233, which sections appear respectively as sections 26-2A-6, 26-2A-7, 26-2A-73, 26-2A-138, 26-2A-142, and 26-2A-8 of the Code of Alabama 1975 and to be retroactive as of January 1, 1988.

Committee on Judiciary.

By Senator deGraffenried:

S. 117. To amend Section 8-6-56, Code of Alabama, 1975, to provide that the Director of the Securities Commission shall receive a salary equal to the maximum for the highest attorney classification in state service.

Committee on State Development
and Tourism.

By Senator deGraffenried:

S. 118. To further amend Section 17-4-156, Code of Alabama 1975, as amended, relating to meeting days of the boards of registrars, so as to further provide for such meeting days; and to provide an effective date.

Committee on Governmental Affairs.

By Senator deGraffenried:

S. 119. To amend Section 5-19-4, Code of Alabama 1975, relating to consumer finance, so as to require actuarial method of computation on consumer loans and consumer credit sales with an original term of more than 61 months; to provide for the charging and collecting of an amount not to exceed five percent of the original principal balance or total line of credit in consumer credit transactions secured by an interest in real property; to provide that provisions of this act are cumulative to, and not in derogation of rights under other provisions of state and federal law and shall not in any way repeal, amend or modify the provisions of Section 8-8-5, Code of Alabama 1975.

Committee on Banking and Insurance.

By Senator Langford:

S. 120. To amend Section 14-9-41, Code of Alabama 1975, to allow certain persons who have been sentenced to 15 years or less to receive the benefits of correctional incentive time and to provide that correctional incentive time benefits shall not apply to any minimum term of confinement that may be ordered pursuant to the provisions of Section 15-18-8, Code of Alabama 1975.

Committee on Judiciary.

By Senators Langford, Hale, Manley, and Ellis:

S. 121. To amend Sections 41-16-54 and 41-16-55, Code of Alabama, 1975, as amended by changing the figure "2,000.00" wherever same appears to the figure "3,000.00" to conform to Section 41-16-50 Code of Alabama, 1975, as heretofore amended.

Committee on Governmental Affairs.

By Senator Covington:

S. 122. To amend Sections 11-51-90 and 11-51-93, Code of Alabama, 1975, so as to increase the fee for issuing a license from \$.50 to \$1.00 and to increase the penalty from \$100.00 to \$500.00 for engaging in a business or vocation without a license or for violating the licensing ordinance and to establish an effective date.

Committee on State Development
and Tourism.

By Senator Covington:

S. 123. To prohibit the Public Service Commission from licensing or regulating trucks or truck tractors.

Committee on Commerce,
Transportation, and Utilities.

By Senator Manley:

S. 124. To provide for the creation of a special reserve account to which the Legislature shall appropriate certain funds to be spent in the event of proration in the Alabama Special Educational Trust Fund budget; to prescribe criteria and procedures for withdrawals from such account in years of proration or in emergency situations as may be determined by the Legislature; to make annual appropriations to such account until a certain amount is established and to provide that such account shall be maintained in trust from year-to-year except during years of proration in the Alabama Special Educational Trust Fund budget and in emergencies; to prescribe procedures and criteria for reimbursement to such account after withdrawals; to provide for the retention of accrued interest; to provide for an effective date; and to repeal conflicting provisions.

Committee on Finance and Taxation.

By Senator Manley:

S. 125. To amend Act No. 87-554 enacted at the 1987 Regular Session of the Legislature of Alabama so as to insert in Subsection (1)b1(viii) thereof the appropriate reference to Act No. 87-550.

Committee on Judiciary.

By Senators Manley, Preuitt, Bailey, and Bennett:

S. 126. To amend Section 17-10-13, Code of Alabama 1975, relating to the appointment of absentee election manager so as to provide that only Circuit Clerks or Registers who are candidates with opposition shall be disqualified from serving as absentee election manager; to provide that any Circuit Clerk or Register who is disqualified or unwilling to serve as absentee election manager notify the presiding circuit judge not less than 55 days prior to the election; and to further amend Section 17-10-14, Code of Alabama 1975, to provide for the compensation a person serving as absentee election manager is entitled to receive for such services.

Committee on Governmental Affairs.

By Senators Manley and Parsons:

S. 127. To authorize (and in certain circumstances to require) a fiduciary to make certain elections or to divide or keep separate a trust or estate in light of the generation-skipping transfer tax, to be effective with respect to transfers in trust, and decedents dying, on and after January 1, 1987.

Committee on Banking and Insurance.

By Senator Manley:

S. 128. To propose a law to authorize two or more incorporated municipalities to establish self-funded insurance funds for the purpose of providing liability protection for the member municipalities.

Committee on Governmental Affairs.

By Senator Manley:

S. 129. To amend Sections 43-8-40 and 43-8-70, Code of Alabama 1975, to clarify the meaning of "estate" of a surviving spouse.

Committee on Judiciary.

By Senator Manley:

S. 130. To revise the law on powers contained in mortgages on real estate and to provide: definitions; foreclosure by power of sale; minimum standards for notice of sale; method of conducting foreclosure by power of sale; and successive sales under power permitted. To apply only to mortgages, defined herein, executed on or after the effective date of this Act which is January 1, 1989.

Committee on Judiciary.

By Senator Manley:

S. 131. To revise the law on redemption of real estate and provide: definitions; who may redeem and priorities; to extend rights under this bill to executors and administrators; to characterize the rights of redemption under this bill; demand for statement of debt and lawful charges by person entitled to redeem; payment or tender of purchaser money and other lawful charges, with interest; payment of value of permanent improvements and how the value of improvements are ascertained; provisions for when there is a failure or refusal of a purchaser to recover title; the settlement and adjustment of rights and equities by a circuit court when a complaint is filed; and when a right to redeem does not exist. This act applies only to mortgages foreclosed on or after the effective date of this Act which is January 1, 1989. The bill further repeals Alabama Code Sections 6-5-230 through 6-5-246 as amended.

Committee on Judiciary.

By Senator Manley:

S. 132. To amend §34-24-367 Code of Alabama, 1975 to provide that judicial review of the orders and decisions of the Medical Licensure Commission shall be governed by §41-22-20 of the Alabama Administrative Procedure Act provided that the following procedures take precedence over §41-22-20(c) relating to the issuance of a stay or supersedeas pending judicial review of a decision by the Commission to suspend or revoke a license to practice medicine; to express the legislative purpose and intent that the imposition of the penalty of suspension or revocation of the license to practice medicine creates a presumption that the continuation in practice of the physician constitutes an immediate danger to the public health, safety and welfare; to provide that no stay or supersedeas shall be granted pending judicial review unless the reviewing court finds in writing that the action of the Commission was taken without statutory authority, was arbitrary or capricious, or constituted a gross abuse of discretion; to provide that an order of the Commission temporarily suspending a license to practice medicine shall not be stayed pending judicial review unless the reviewing court finds in writing that the order of the Commission temporarily suspending the license was issued without statutory authority, was arbitrary or capricious,

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constituted gross abuse of discretion or was made in violation of the requirements of §41-27-19(d) of the Alabama Administrative Procedure Act.

Committee on Health.

By Senator Manley:

S. 133. To amend Section 1-3-4, Code of Alabama, 1975, which provides for the definition of fiscal year for the state, so as to change the dates of said fiscal year; to authorize the Governor to devise a plan to implement the provisions of this act; and to authorize conformity of dates with the new fiscal year as provided herein with the Code of Alabama.

Committee on Finance and Taxation.

By Senators Manley, Goodwin, deGraffenried, Drinkard, Holmes, Dial, Foshee, Bennett, Bailey, Horn, Rice, Preuitt, Barron, Cabaniss, Hale, Menton, Denton, Smith (J), and Parsons:

S. 134. To authorize the governing body of any county or municipality, or any county and municipality or municipalities to establish historic preservation commissions and architectural review boards in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage in the state, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties, and appointments to such commissions and boards; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing bodies; to provide for the reimbursement of expenses of members, the rules of procedures for operations, and notice of meetings; to provide that each commission shall constitute a nonprofit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto; to provide for appeals and other judicial processes; to preserve certain existing historic development commissions or architectural review boards; to authorize these to be certified with local government status or to assume the powers of this act pursuant to proper ordinance; to provide for exceptions to certain highways, roads, streets or bridges, including the properties utilized in connection therewith, and to provide for exceptions to certain highways, roads, streets or bridges; and to provide that the provisions of this act are cumulative.

Committee on Governmental Affairs.

By Senators Manley and Parsons:

S. 135. To amend Section 13A-3-1, Code of Alabama 1975, relating to the defense of insanity or mental disease or defect, so as to define the defense; to specify the burden of proof; to specify the conduct to which this act applies; and to provide an effective defense.

Committee on Judiciary.

By Senators Manley, Dixon, and Dial:

S. 136. To amend Section 25-4-78, Code of Alabama 1975, relating to disqualifications for benefits under Unemployment Compensation, so as to establish a new category of alien claimants eligible for unemployment benefits in conformance with the Immigration Reform and Control Act of 1986, PL

99-603; and to enumerate the categories of aliens eligible for benefits thereunder.

Committee on Business and
Labor Relations.

By Senator Manley:

S. 137. To provide that a criminal defendant committed to the custody of the Commissioner of the State Department of Mental Health pursuant to Section 15-16-43, Code of Alabama 1975, shall not be released from custody unless such release is authorized by court order, except in certain circumstances; to provide for notice and hearings related to such release; to provide for placement of conditions on the release of such defendants when appropriate; and to provide for recommitment of such persons when appropriate.

Committee on Judiciary.

By Senator Manley:

S. 138. To amend Sections 12-3-9 and 13A-5-53, Code of Alabama 1975, which provide for appellate review and appeals from death sentence cases and from post conviction writs involving such cases, so as to provide that said appeals shall be to the Alabama supreme court; to provide that the Alabama supreme court shall amend the Alabama Rules of Appellate Procedure to accommodate and reflect the provisions of this act; to provide for the scope of repeal of certain conflicting laws; and to provide for an effective date.

Committee on Judiciary.

By Senator Manley:

S. 139. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1987 Regular Session of the Legislature, as contained in the 1987 Cumulative Supplement to certain volumes of the Code and in the 1987 Replacement Volumes 7, 7A and 13 of the Code; to make corrections in certain volumes of such cumulative supplement and replacement volume 13; and to reorganize Article 5, Chapter 12, Title 13A, and Chapter 2, Title 20, as appearing in Volumes 12 and 14, respectively, of such cumulative supplement, so as to place the principal drug crime statutes in Title 13A, the Alabama Criminal Code.

Committee on Judiciary.

By Senators Hand, Campbell, Bedsole, Ellis, and Rice:

S. 140. To amend Section 33-5-13, Code of Alabama 1975, relating to the term of certain certificates and licenses issued by the marine police division of the department of conservation and natural resources, so as to provide for a staggered vessel registration system.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Hand:

S. 141. To amend section 11-88-6, Code of Alabama 1975, which provides for boards of directors of county and municipal water, sewer and fire

protection authorities, so as to provide further for the maximum amounts paid to such board members and chairmen for their meetings.

Committee on Commerce,
Transportation, and Utilities.

By Senators Hand, Mitchem, Denton, Foshee, Preuitt, Holmes, Manley, Dial, Cabaniss, Menton, Bailey, Bedsole, Drinkard, Hale, Rice, deGraffenried, Smith (B), Barron, and Dixon:

S. 142. Relating to all civil actions in tort, contract or otherwise against architects and engineers, and against builders who construct or perform or manage construction of an improvement on or to real property designed by and constructed under the supervision of, or constructed in accordance with, the plans and specifications prepared by, an architect or engineer, arising out of any defect or deficiency in the design, planning, testing, supervision, administration or observation of construction of an improvement on or to real property, or arising out of any defect or deficiency in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than seven years after the substantial completion of construction of an improvement on or to the real property; to provide when a cause of action accrues or arises; to provide that this act does not apply to causes of action which have accrued prior to its effective date; to provide that this act does not create any cause of action against such architects or engineers or builders or any other persons; to exclude causes or rights of action against manufacturers of products; to extend the bar of causes or rights of actions for breach of contract arising out of written express warranties to coincide with the period thereof; to define terms and to repeal all conflicting laws.

Committee on Judiciary.

By Senators Hand, Cabaniss, Rice, Barron, Dial, and Dixon:

S. 143. To amend §16-24-5, Code of Alabama, 1975, to provide that any teacher on continuing service status may be transferred by being given written notice of such intention to transfer by the employing board.

Committee on Education.

By Senators Hand, Denton, Foshee, Preuitt, Mitchem, Manley, Holmes, Dial, Cabaniss, Menton, Bailey, Bedsole, Drinkard, Hale, Rice, deGraffenried, Smith (B), Barron, and Dixon:

S. 144. Relating to all civil actions in tort, contract or otherwise against materialmen who provide labor, material and supplies used in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than seven years after the substantial completion of construction of an improvement on or to the real property; to provide when a cause of action accrues or arises; to provide that this act applies to causes of action which have accrued prior to its effective date; to provide

that this act does not create any cause of action against materialmen or any other person; to define terms; and to repeal all conflicting laws.

Committee on Judiciary.

By Senator Foshee:

S. 145. To amend section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain waterworks systems, so as to also prohibit public corporations or entities created or operating pursuant to sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating such services.

Committee on Commerce,
Transportation, and Utilities.

By Senator Denton:

S. 146. To amend Section 36-21-7, Code of Alabama, 1975, by adding thereto fire protection personnel and firefighters; to extend the time in which to recover training expenses to twenty-four months; and to define terms.

Committee on Governmental Affairs.

By Senators Denton, Holmes, Menton, and Bedsole:

S. 147. To further provide for state income taxation and farmers; to define terms used in this act; to exempt farmers from state taxation that might be imposed upon any gain realized from a forced sale of farmland which the farmer has had continuous fee simple ownership for 10 years immediately prior to said forced sale; to limit the exemption from January 1, 1988 through December 31, 1991; and to provide cumulative effect.

Committee on Finance and Taxation.

By Senator Denton:

S. 148. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1989, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Committee on Finance and Taxation.

By Senator Hand:

S. 149. To provide that any municipality having salt water beaches within its boundaries is authorized to patrol said beaches and to provide for enforcement of city ordinances and state laws.

Committee on Governmental Affairs.

By Senators Hand, Cabaniss, Bedsole, Dial, Foshee, Rice, Ellis, Barron, and Dixon:

S. 150. This bill permits the use of blood tests for intoxication in cases of death or serious physical injury and provides penalties for non-compliance by medical personnel.

Committee on Judiciary.

By Senators Denton, Menton, Covington, and Foshee:

S. 151. To make further provisions for the issuance of obligations by Alabama Federal Aid Highway Finance Authority by amending Sections 23-1-300, 23-1-301, 23-1-306, 23-1-307, 23-1-313, 23-1-314, and 23-1-317, Code of Alabama 1975, so as to provide for the issuance and use of proceeds of obligations of the Authority for the purpose of anticipating and providing for the federal share of the cost of replacing bridges on the state highway system; and to provide that pledges made of the proceeds from the taxes and fees referred to in this section shall, with respect to each obligation issued hereunder, be subject and subordinate to: (1) all pledges of the proceeds of the said taxes and fees lawfully made as security for any bonds issued prior to December 1, 1986, by the Authority; and (2) any refunding bonds that may be issued by the Authority after December 1, 1986, for the purpose of refunding any of the aforementioned bonds.

Committee on Finance and Taxation.

By Senators Denton, Dial, and Ellis:

S. 152. To bring bonding requirements of license commissioners, revenue commissioners, or others of similar title, who determine or collect taxes or revenues, in line with those of tax collectors as required by Section 40-5-3, Code of Alabama 1975.

Committee on Governmental Affairs.

By Senator Denton:

S. 153. To amend Section 9-11-257, Code of Alabama 1975, relating to hunting within 100 yards of highways, so as to provide that no person, except a duly authorized law enforcement officer acting in the line of duty shall discharge any firearm across any public road, and to provide penalties for the violation thereof.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Denton:

S. 154. To amend further section 36-29-1 of the Code of Alabama 1975, relating to the definition of "employee" under the state employees' health insurance plan, so as to include within the definition any employee who worked at least 10 years for the state highway department in "captive county" circumstances and who was transferred to county employment upon the adoption of article 3A, chapter 1, Title 23, Code of Alabama 1975.

Committee on Finance and Taxation.

By Senators Dixon, Langford, and Hand:

S. 155. Relating to the establishment of the Alabama Impaired Physicians Committee, to provide that the State Board of Medical Examiners

shall have the duty and obligation to promote early identification, intervention, treatment and rehabilitation of physicians and osteopaths impaired by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals or other substances or as a result of any physical or mental condition; to define the term impaired; to authorize the State Board of Medical Examiners to contract with any non-profit corporation or medical professional association for the creation of the Alabama Impaired Physicians Committee; to provide for the functions and responsibilities of the committee under a contract between the State Board of Medical Examiners and a non-profit corporation or medical professional association; to prescribe procedures for the reporting of information from the Alabama Impaired Physicians Committee to the State Board of Medical Examiners; to prescribe that a physician or osteopath serving as a member of the Alabama Impaired Physicians Committee shall not be liable to any person for any claim for damages as a result of any decision, opinion, investigation or action taken as a member of the Alabama Impaired Physicians Committee; to provide that a non-profit corporation or medical professional association shall not be liable to any person for damages for any action taken by the Alabama Impaired Physicians Committee or any member thereof; to provide that all information, interviews, reports, statements, memorandum or other documents furnished to or produced by the Alabama Impaired Physicians Committee and any findings, conclusions, recommendations or reports of such committee shall be privileged and confidential and shall not be considered public records nor available for court subpoena or for discovery proceedings; to provide that the Alabama Impaired Physicians Committee shall render annual reports to the State Board of Medical Examiners and shall report any physician or osteopath currently in the need of intervention, treatment, or rehabilitation who has failed or refused participation in programs of treatment or rehabilitation recommended by the Committee; to provide that a report to the Alabama Impaired Physicians Committee shall deem to be a report to the Board of Medical Examiners for the purpose of any mandated reporting of physician impairment otherwise provided for by law; to provide that where the Board of Medical Examiners has cause to believe a physician or osteopath is impaired, the Board may cause an evaluation of such physician or osteopath to be conducted by the Alabama Impaired Physicians Committee; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

Committee on Health.

By Senators Dixon, Langford, and Hand:

S. 156. Relating to the state employees' retirement system; to provide that any active state employee who stands for election to the board of control shall be vested under the retirement system.

Committee on Governmental Affairs.

By Senators Ellis, Bedsole, Denton, Hand, Cabaniss, Dial, Campbell, and Menton:

S. 157. To amend Section 9-11-32, Code of Alabama 1975, relating to the license year for hunting and fishing licenses, so as to provide further for said license year; and amends Section 9-11-33, Code of Alabama 1975, relating to the numbering, delivery, and return of hunting and fishing licenses, so as to further provide for the delivery and return of said licenses.

Committee on Agriculture,
Conservation, and Forestry.

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By Senators Ellis, Bedsole, Dial, Hand, and Denton:

S. 158. To amend Section 9-11-45, Code of Alabama 1975, relating to a special license to hunt deer or turkey on state operated wildlife management areas, so as to provide for and increase the nonresident license fee.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Ellis:

S. 159. To further amend Section 36-27-51, Code of Alabama 1975, as amended, reopening the Employees' Retirement System of Alabama for certain municipal employees on a certain date, so as to add certain employees of political subdivisions thereof; to prescribe eligibility therefor and the payment for certain creditable service.

Committee on Finance and Taxation.

By Senator Ellis:

S. 160. To amend §16-8-3 and §16-8-4, Code of Alabama, 1975, relating to the scheduling of regular meetings and annual public meetings of county boards of education.

Committee on Education.

By Senators Mitchem, Campbell, Denton, Preuitt, Covington, Foshee, Amari, Bailey, Bennett, Hale, Smith (J), Drinkard, Corbett, and Holmes:

S. 161. To amend Sections 17-4-153 and 17-4-188, Code of Alabama 1975, as amended by Act No. 87-577, H. 85, 1987 Regular Session, which provides for the compensation of members of the boards of registrars, so as to increase said compensation.

Committee on Finance and Taxation.

By Senators Dixon, Hand, Ellis, Rice, Bedsole, Holmes, and Cabaniss:

S. 162. To establish the offense of criminal enterprise for the purpose of trafficking in illegal drugs and to prescribe punishment.

Committee on Judiciary.

By Senators Dixon, Hand, Rice, Ellis, Holmes, Bedsole, and Cabaniss:

S. 163. To amend section 20-2-80, Code of Alabama 1975, so as to provide an additional criminal penalty for possessing a firearm during the commission of any act proscribed by said section and to provide for distribution of criminal fines.

Committee on Judiciary.

By Senator Dixon:

S. 164. To reopen the employees' retirement service for certain members of the employees' retirement system and amends Section 36-27-11, Code of Alabama 1975, as last amended, relating to the procedures of reopening the period for creditable service and the manner therefor; and to provide an effective date.

Committee on Finance and Taxation.

By Senators Bedford and Amari:

S. 165. To prescribe the minimum pay scale of full-time municipal law enforcement officers with arrest powers in Class 1 through Class 7 munic-

ipalities; to provide for the repeal of conflicting laws; and to provide an effective date.

Committee on Judiciary.

By Senators Bedsole, Bailey, Hand, Ellis, Cabaniss, Denton, Holmes, Figures, Sanders, Foshee, and Bennett:

S. 166. To amend Section 33-4-48, Code of Alabama 1975, which relates to the pay of pilots so as to revise the schedule of pilots' fees.

Committee on Natural Resources.

By Senator Bedsole:

S. 167. To exempt the Mobile Rescue Mission from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Senators Bedsole and Holmes:

S. 168. To establish an official state nongame wildlife print or wildlife stamp; to provide for funding of the program establishing the print or stamp and to provide that the program shall be administered by the Department of Conservation and Natural Resources.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Bedsole:

S. 169. To amend Section 40-9-1, Code of Alabama 1975, which provides for exemptions from ad valorem taxes, so as to exempt property owned by the Disabled American Veterans.

Committee on Finance and Taxation.

By Senator Bedsole:

S. 170. To create the Respiratory Care Act and to provide for definitions, qualifications, examination, and licensing of persons administering respiratory care and for waivers from examination and licensing; to provide for the powers, duties and responsibilities of the Alabama State Board of Respiratory Care; to provide for the appointment, term, qualification and meetings of the board; to provide for issuance and renewal of licenses and temporary licenses; to provide for prohibited acts and penalties; to provide for fees; to provide for causes and procedures for disciplinary action; to prohibit false representation of licensure; to provide for exemptions; and to provide for related matters.

Committee on Health.

By Senators Hale, Holmes, Campbell, Bedsole, Bailey, and Mitchem:

S. 171. To establish a condemnation law of the State of Alabama for vehicles and equipment used in maliciously setting woodland or grassland fires and to further set forth a procedure whereby vehicles and equipment used in connection with such unlawful acts be condemned by appropriate authorities and the same sold or awarded by court order to the State Forester for use or resale in enforcement of Section 9-13-11 (a) (1) of the Code of Alabama 1975.

Committee on Judiciary.

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By Senators Bedsole, Campbell, Dial, Menton, Foshee, Manley, Cabaniss, Hale, Parsons, Holmes, Covington, Bishop, Mitchem, Langford, Preuitt, Barron, Ellis, Denton, Dixon, and Smith (B):

S. 172. To amend Section 13A-7-29, Code of Alabama 1975, which provides for the crime of criminal littering, so as to provide further for said offenses and the penalties for violations thereof.

Committee on Judiciary.

By Senator Smith (J) (With Notice and Proof):

S. 173. Relating to the Twenty-third Judicial Circuit; to amend Act No. 86-341, S. 567, 1986 Regular Session, which provides for the retirement of circuit judges, so as to provide further for such retirement and to repeal Act No. 799, S. 619, 1977 Regular Session.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 173, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Smith (J):

S. 174. To designate the Huntsville Depot as the Official Railway Museum of Alabama.

Committee on State Development
and Tourism.

By Senator Smith (J):

S. 175. To amend Section 22-50-22, Code of Alabama 1975, which exempts the superintendent of, or a physician of, the mental health board from being a witness in certain cases, so as to permit depositions to be taken by the plaintiffs, defendants or the state or the superintendent or any physician of a state mental health facility or hospital in criminal and civil proceedings, upon proper notice.

Committee on Judiciary.

By Senator Smith (J):

S. 176. Requiring certain employers to request from the department of public safety its records of all convictions for felonious offenses on applicants for certain jobs; prescribing penalties for applicants submitting false information; requiring said department to furnish certain forms and information thereon upon request from an employer; prescribing guidelines for retention of such information by an employer and said department; requiring said department to notify employers of such prior convictions; prescribing guidelines for confidentiality of such information; prescribing procedures for said department; providing that a requesting employer shall remit to the department of public safety any costs incurred by said department in implementing the provisions of this act and specifically repealing Sections 26-20-1, 26-20-2, 26-20-3, 26-20-4, 26-20-5 and 26-20-6 of the Code of Alabama 1975.

Committee on Judiciary.

By Senator Smith (J):

S. 177. To amend Section 13A-11-11, Code of Alabama 1975, as amended, relating to the crime and penalty for falsely reporting an incident, so as to increase the penalty to a felony.

Committee on Judiciary.

By Senator Smith (J):

S. 178. To amend Section 12-17-61, Code of Alabama 1975, which provides for the number of district court judges, so as to provide three district court judges for Madison County; to provide for the time of establishment of such judgeship No. 3; and to provide for the election of such additional district judge.

Committee on Judiciary.

By Senator Smith (J):

S. 179. To amend Section 15-22-27, Code of Alabama 1975, to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole shall serve a sentence of life imprisonment without parole if his death sentence is so commuted by the Governor.

Committee on Judiciary.

By Senator Smith (J):

S. 180. To provide that any person convicted of certain crimes of violence or serving certain sentences shall not be eligible for work release.

Committee on Judiciary.

By Senators Amari, Bennett, Smith (J), Ellis, Drinkard, Campbell, Denton, and Covington:

S. 181. To amend Section 5-3A-9, Code of Alabama 1975, which prohibits banking department employees from borrowing money from state banks so as to limit the prohibition to the superintendent, any assistant superintendent, deputy superintendent and all bank examiners.

Committee on Banking and Insurance.

By Senators Amari, Bennett, deGraffenried, Smith (J), Ellis, Drinkard, Campbell, Denton, and Covington:

S. 182. To grant state chartered banks the same powers, privileges and protection held by federally chartered banks, if approved by the state superintendent of banks.

Committee on Banking and Insurance.

By Senators Drinkard, Corbett, Foshee, Parsons, Langford, Bennett, Campbell, and Bedford:

S. 183. To amend further section 25-4-72, Code of Alabama 1975, relating to unemployment compensation, so as to increase maximum weekly unemployment benefits to \$150.

Committee on Business and Labor Relations.

By Senator Menton:

S. 184. Relating to capitol police officers to be assigned to the legislature; to provide that the director of finance shall assign one capitol police officer

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to each house of the legislature on a full-time basis and he shall assign one additional capitol police officer to each house of the legislature when the legislature is in session; to provide for the reimbursement of costs by the legislature quarterly; and to provide for the supervision of the police officers so assigned.

Committee on Finance and Taxation.

By Senator Langford:

S. 185. To amend Sections 36-27A-1 and 36-27A-5, Code of Alabama 1975, so as to allow public officials or employees of the State of Alabama, or any political subdivision thereof, to participate in the Public Employees' Individual Retirement Account Fund and to provide for additional non-deductible contributions.

Committee on Finance and Taxation.

By Senator Smith (B):

S. 186. To amend Sections 25-5-57, 25-5-67 and 25-5-90, Code of Alabama 1975, relating to Workmen's Compensation, so as to provide further for the computation and determination of average weekly earnings of the injured employee; to increase the amount of burial expenses for industrial fatalities; and to provide that an award of lump sum attorney's fees can only be ordered with agreement of the parties to an action to recover compensation benefits.

Committee on Business
and Labor Relations.

By Senators Smith (B) and Bedford:

S. 187. To amend Section 25-5-71, Code of Alabama 1975, which provides for the employer contributions to the Second Injury Trust Fund, so as to provide that the employer will contribute to the Second Injury Trust Fund an amount of \$5.00 for each report of an injury caused to an employee which imposes liability under said law.

Committee on Business and
Labor Relations.

By Senator Dixon:

S. 188. To further regulate the advertising by dentists, and the fees of dentists for administering anesthesia intravenous sedation; and to further amend Sections 34-9-19, 34-9-60, 34-9-61, 34-9-63 and 34-9-64, Code of Alabama 1975, as amended, so as to further provide therefor.

Committee on Health.

By Senators Dial, Barron, Rice, and Ellis:

S. 189. To amend section 32-6-272, Code of Alabama 1975, relating to the issuance of license plates to fire fighters, so as to authorize the issuance of said plates at reduced cost to the recipient.

Committee on Finance and Taxation.

By Senators Dial, Denton, Hand, Bedsole, and Rice:

S. 190. To authorize the Alabama Medicaid Agency to contract with a central source, for the procurement of prescription eyewear for qualified sight impaired Medicaid recipients, for periods not to exceed five years.

Committee on Public Welfare.

By Senator Dial:

S. 191. To prohibit transporting children under the age of 16 in the back of open trucks or trailers and to provide for penalties.

Committee on Judiciary.

By Senator Smith (J):

S. 192. To amend Code of Alabama 1975, §13A-6-4, to provide that criminally negligent homicide is a Class C felony instead of a Class A misdemeanor.

Committee on Judiciary.

By Senators Bennett and Bedford:

S. 193. To provide for a state employee to be paid for accumulated annual leave in excess of the maximum allowed to be carried over at the end of a calendar year under certain conditions.

Committee on Governmental Affairs.

By Senator Bennett (With Notice and Proof):

S. 194. To provide for the appointment of a chief deputy tax collector by the elected Jefferson County tax collector and to provide for compensation, funding and qualifications of said chief deputy.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 194, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Manley, Dial, Bedsole, Cabaniss, Hale, Hand, and Smith (B):

S. 195. Relating to the improvement of the quality of the public elementary and secondary education system in the state; to make certain legislative findings; to create a Twenty-First Century Advisory Commission on Education, the members of which shall be appointed by the Governor, to monitor, provide assistance and make recommendations to the Governor and the Legislature with respect to the implementation of this act and education in general; to create for each city and county board of education in the state a Public School Improvement Committee, the members of which shall be appointed by the Twenty-First Century Advisory Commission on Education with the assistance of each city or county board of education, to assess the quality of education in the public schools under the jurisdiction of each city and county board of education and identify specific goals for improving education at the local level; to repeal Chapter 6 of Title 16 of the Code of Alabama 1975, which created the Alabama Education Study Commission; to establish an accreditation system for all city and county

boards of education and all public elementary and secondary schools in the state which is based upon the satisfaction of specific guidelines and minimum performance standards established for such purpose by the State Board of Education, to provide for the intervention by the State Superintendent of Education in the operation of the public schools under the jurisdiction of a city or county board of education which does not meet the guidelines and minimum performance levels for accreditation; to provide for the development and implementation by the State Board of Education of a plan, based on specific standards to be adopted by the State Board of Education, for the evaluation of teacher education programs offered by all institutions of higher education in the state; to provide for the adoption by the State Board of Education of additional program approval standards applicable to all teacher education programs in the state; to amend Chapter 23 and Chapter 3 of Title 16 of the Code of Alabama 1975, to provide for the administration of the National Teachers' Examination as a requirement for initial certification of teachers, the issuance of conditional teaching certificates to those persons who fail to achieve a qualifying score on the National Teachers' Examination, the implementation of a program of remediation for such persons, the adoption of regulations by the State Board of Education under which such persons may become fully certified as teachers, issuance of the extraordinary teaching certificates under certain circumstances, and the revocation or suspension of a teaching certificate for just cause; to repeal Section 16-6A-10 of the Code of Alabama 1975, which provided for the employment of provisionally certified teachers in critical needs areas; to provide for the development or selection, validation and implementation by the State Board of Education of a basic skills examination to be taken by each student applying for admission to a teacher education program offered by an institution of higher education in the state, and the development or selection and the validation of special teaching examinations, designed to measure the cognitive teaching area competencies desired for initial job assignments in the public elementary and secondary schools in the state; to provide for the development by the State Board of Education of instruments to be utilized in evaluating new teachers and prospective teachers in the state; to provide for the adoption of regulations by the State Board of Education, requiring that each teacher in the state be evaluated at least three times during his or her first year of employment by a representative of the employing city or county board of education; to provide for the development by the State Board of Education of a plan for the evaluation of teachers in the state and an incentive plan for teachers based upon performance as measured under such teacher evaluation plan; to repeal Chapter 24A of Title 16 of the Code of Alabama 1975, which established the performance-based career incentive program; to provide for the adoption by the State Board of Education of a comprehensive plan, utilizing the results of pilot programs, for in-service and professional development of teachers in the state; to provide for the design, implementation and monitoring by the State Board of Education of a pilot program to determine the optimum teacher-pupil ratios for promoting academic achievement in the public elementary and secondary schools in the state; to provide for the development by the State Board of Education, in cooperation with public institutions of higher education in the state and leaders in high technology business and industry, of a long-range plan utilizing the results of a pilot program, for the utilization of advanced technology teaching aides in the public elementary and secondary schools in the state; to increase the minimum number of work days required of teachers in the state during each scholastic year to 190 by July 1, 1991; to provide for the development and implementation by the State Board of Education of a pilot incentive grant program to recognize public elementary and secondary schools

in the state exhibiting exceptional or improved performance in promoting or maintaining high levels of academic achievement; to provide for the assessment of the instructional leadership qualities and the management capabilities of persons being considered for initial appointment as elementary or secondary school principals in the state; to provide for the adoption by the State Board of Education of criteria and minimum performance standards for the evaluation of principals, the development and implementation by the State Board of Education of an incentive program for principals based upon performance as measured by such criteria and minimum performance standards, and the establishment by the State Board of Education of a program pursuant to which persons demonstrating outstanding potential as principals may be identified and given the opportunity to serve as apprentice principals in selected elementary and secondary schools in the state; to provide for the development and implementation by the State Board of Education of a statewide early childhood development plan utilizing the results of a pilot program; to provide for the development and implementation by the State Board of Education of a statewide plan, utilizing the results of a pilot program, for providing educational and related services for students in the public schools who are at risk of school failure; to provide for the adoption of regulations by the State Board of Education requiring minimum periods of instructional time to be devoted to the fundamental areas of reading, English, mathematics, science, history, geography and computer skills; to provide for the adoption of a complete, valid and reliable student assessment program by the State Board of Education; to amend Section 16-13-50 of the Code of Alabama 1975, to provide that appropriations for vocational and special education shall not become a part of the minimum program fund for education, but shall be distributed on the basis of the actual cost of those vocational and special education programs; to amend Section 16-13-51 of the Code of Alabama 1975, to provide for the inclusion of maintenance and instructional materials in the calculation of the cost of the minimum program and to increase the minimum school term to 180 days by the beginning of the scholastic year commencing July 1, 1991; to amend Section 16-13-140 of the Code of Alabama 1975, to extend, from October 1 to October 31 of each year, the date by which each city and county board of education is required to submit its budget to the State Superintendent of Education; and to create a Division of Educational Accountability within the state department of finance which shall assimilate and analyze the information that each city and county board of education is required to provide with respect to specific areas of the educational program in each public school under its jurisdiction.

Committee on Education.

By Senator Rice:

S. 196. To amend §16-9-1, §16-9-2 and §16-9-12, Code of Alabama, 1975 and delete in their entirety §16-9-4, §16-9-5, §16-9-6, §16-9-7, §16-9-8 and §16-9-9, Code of Alabama, 1975 so as to require county boards of education to appoint county superintendents of education and establish implementation procedures.

Committee on Education.

By Senator Rice:

S. 197. Relating to alcoholic beverages; to provide for business relations between suppliers and wholesalers of beer; to require written agreements

setting forth in full the supplier's agreement with the wholesaler, and designating a specific exclusive sales territory; to provide for prohibited acts by the supplier and by the wholesaler; to provide for conditions of amendment, modification, resignation, cancellation, termination, failure to renew or refusal to continue said agreement; to provide for the transfer of wholesaler's business, for the establishment of nondiscriminatory, material and reasonable qualifications and standards by supplier, and prohibit interference with the transfer upon compliance with those standards; to provide for reasonable compensation upon supplier's violation of the act, including method of voluntary arbitration; to provide for civil actions for violations, damages and venue; to provide for the burden of proof; to provide that the wholesaler may not waive rights set forth in this act; to provide that the act relates to existing and future agreements, transferee of wholesaler continuing under written agreement, and supplier's successor; and to provide that this act is cumulative.

Committee on Public Welfare.

By Senator Rice:

S. 198. Relating to the annual renewal of licenses of registered foresters; to amend Section 34-12-8 of the Code of Alabama 1975, so as to eliminate the three months' grace period in which to renew the forester's license after the expiration thereof on the thirtieth day of September of each year.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Rice:

S. 199. To provide that a utility may recover damages from any person who knowingly interferes with any meter or other recording device belonging to a utility, who knowingly diverts utility services or who intentionally and without authority uses utility services; to provide for the measure of damages which may be recovered by the utility in any such civil action.

Committee on Commerce,
Transportation, and Utilities.

By Senator Rice:

S. 200. To make an appropriation for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1989.

Committee on Finance and Taxation.

By Senators Rice, Dial, Manley, Ellis, Hand, Amari, and Mitchem:

S. 201. Relating to persons who are required to register with the U. S. Selective Service System, so as to provide that such persons may not enroll in institutions of higher learning nor be offered employment or advancement or promotion by the State of Alabama unless such persons offer proof that they have so registered, and to authorize the State Personnel Board and the institutions of higher learning to promulgate necessary rules and regulations.

Committee on Education.

By Senator Bishop (With Notice and Proof):

S. 202. Relating to Walker County; approving an increase of the three mill district ad valorem school tax levied pursuant to Amendment No. 3 to

the Constitution of Alabama of 1901 by eight mills to eleven mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such additional eight mill tax to be levied and collected by the governing body of Walker County for each year beginning with the levy for the tax year ending September 30, 1989 (the tax for which year will be due and payable October 1, 1989) and ending with the levy for the tax year ending September 30, 1997 (the tax for which year will be due and payable October 1, 1997) for public schools purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the Walker County School District (consisting of all of Walker County except the City of Carbon Hill and the City of Jasper school districts) in said County at a special election called and held in accordance with the laws governing special elections.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 202, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Bedford, Corbett, Bennett, Parsons, Campbell, and Amari:

S. 203. To require elected public officials and their employees and certain other persons who have any financial interest in any commercial hazardous waste disposal site in the state of Alabama to file an annual statement of such financial interest with the Secretary of State and to provide penalties for the noncompliance with this act.

Committee on Health.

By Senators Denton, Rice, Langford, Mitchem, Covington, Goodwin, Menton, Foshee, Bennett, Dixon, Cabaniss, Drinkard, Campbell, Hale, Horn, Amari, Bailey, Ellis, Hand, and Barron:

S. 204. To exempt the Eye Foundation, Inc., and any of its branches and agencies from all state, county, or municipal sales or use taxes.

Committee on Finance and Taxation.

By Senators Denton, Manley, Ellis, Preuit, Rice, Dixon, Bennett, Covington, Goodwin, Menton, and Campbell:

S. 205. To amend Sections 22-27-3 and 22-27-6, Code of Alabama 1975, which relate to the authority of local governing bodies as to methods of waste collections and disposal, and the time for local government compliance with the solid waste laws so as to provide further for the methods of waste collection and disposal facilities for solid wastes; to grant to the several county commissions and municipalities the power and authority by resolution or ordinance to adopt rules and regulations requiring mandatory public participation in solid waste collection and disposal programs; providing that failure to comply with the provisions of the article by the owner of solid waste generating property shall constitute a public nuisance and providing for the assessment for the cost of such collection and disposal against such solid waste generating property; to provide for the collection of such assessments; to provide that the amounts of such assessments shall be a lien on the property against which they are assessed and shall be subject to the same penalties and the same procedure under foreclosure and sale in case

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of delinquency as provided for ordinary county taxes; and to amend Section 22-27-7, Code of Alabama 1975, which relates to penalties for violation of the provisions of the article so as to further provide for such penalties.

Committee on Governmental Affairs.

By Senators Foshee, Goodwin, Dial, Barron, Mitchem, Rice, Preuitt, deGraffenried, Smith (B), Smith (J), Dixon, Hand, Denton, Cabaniss, Bedsole, Manley, Covington, Hale, and Campbell:

S. 206. To amend Title 25, Chapter 5, Code of Alabama 1975, which relates to worker's compensation in Alabama, to provide for the calculation of an employee's "average weekly earnings;" to establish procedures, limitations, and a right of appellate review for an award of lump sum attorney's fees in worker's compensation cases; to provide for a right of subrogation as to certain benefits paid as the result of occupational injuries or diseases; and to provide certain remedies for violations of §25-5-11.1.

Committee on Business
and Labor Relations.

By Senators Manley, Bedsole, Campbell, Dixon, Denton, Dial, and Bennett:

S. 207. To further amend Section 23-1-280 of the Code of Alabama 1975, as amended, which section relates to just compensation for the removal of signs, so as to clarify the original legislative intent to require the payment of just compensation whenever a removing authority removes or alters, or causes the removal or alteration of, a lawfully erected sign along any public street or highway.

Committee on Judiciary.

By Senators Parsons, Bennett, and Campbell:

S. 208. To establish certain regulations pertaining to public educational personnel records.

Committee on Education.

By Senator Preuitt:

S. 209. To make an appropriation for the support and maintenance of Sylacauga Nurses Training School for the fiscal year ending September 30, 1989.

Committee on Finance and Taxation.

By Senator Preuitt:

S. 210. To make an appropriation for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1989.

Committee on Finance and Taxation.

By Senator Covington:

S. 211. To amend Code of Alabama 1975, Section 36-15-10, to provide for the appointment of three Executive Assistants to the Attorney General.

Committee on Finance and Taxation.

By Senator Bedsole:

S. 212. To require the state department of human resources to charge a fee in the amount of \$1,000.00 to be assessed as costs against the parties

for investigation services performed in certain independent cases involving adoption; and to provide that such fees received be deposited to credit of state public welfare trust fund.

Committee on Public Welfare.

By Senator Bedsole:

S. 213. To require the state department of human resources to charge a fee at a certain hourly rate to be assessed as costs against the parties for investigation services performed in cases involving divorce or divorce modifications.

Committee on Public Welfare.

By Senators Horn and Cabaniss:

S. 214. To make an appropriation from the Alabama Special Educational Trust Fund to the Southern Research Institute for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance and Taxation.

By Senator Horn:

S. 215. To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance and Taxation.

By Senator Horn:

S. 216. To make an appropriation from the State General Fund to the Civil Air Patrol-Alabama Wing for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance and Taxation.

By Senator Horn:

S. 217. To make an appropriation from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama and the United Cerebral Palsy Development Center for East Central Alabama and from the State General Fund for the Simpson-May Cerebral Palsy Center for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance and Taxation.

By Senator Horn:

S. 218. To make an appropriation from the Alabama Special Educational Trust Fund to the Opportunities Industrialization Center, Central Alabama for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance and Taxation.

By Senator Horn:

S. 219. To make an appropriation for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance and Taxation.

By Senator Horn:

S. 220. To make an appropriation from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance and Taxation.

By Senator Horn:

S. 221. To make an appropriation from the Alabama Special Educational Trust Fund to the Black Belt Human Resource Development Center for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance and Taxation.

By Senator Horn:

S. 222. To make an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance and Taxation.

By Senator Horn:

S. 223. To make an appropriation from the Alabama Special Educational Trust Fund to the Lighthouse Counseling Center, Inc., for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance and Taxation.

By Senator Horn:

S. 224. To make an appropriation from the Alabama Special Educational Trust Fund to the DAR School, Kate Duncan Smith for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance and Taxation.

By Senator Horn:

S. 225. To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1989.

Committee on Finance and Taxation.

By Senator Horn:

S. 226. To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30,

1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance and Taxation.

By Senator Horn:

S. 227. To make an appropriation from the Alabama Special Educational Trust Fund and the State General Fund for the fiscal year 1988-89, for the use of a sickle cell education program, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance and Taxation.

By Senator Horn:

S. 228. To make an appropriation from the Alabama Special Educational Trust Fund to the Coalition Against Domestic Violence for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance and Taxation.

By Senator Horn:

S. 229. To make an appropriation from the Alabama Special Educational Trust Fund to the East Alabama Child Development Center for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance and Taxation.

By Senator Horn:

S. 230. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1989.

Committee on Finance and Taxation.

By Senator Horn:

S. 231. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State and for interest on the public debt for the fiscal year ending September 30, 1989.

Committee on Finance and Taxation.

COMMUNICATION FROM STATE SUPERINTENDENT OF EDUCATION

January 29, 1988

The Alabama State Senate
State House
Montgomery, AL 36130

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by

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the members of said Board, in the manner prescribed by the Constitution, on December 4, 1987.

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Expiration of Term</u>
Cleophus Thomas, Jr.	Anniston, AL	Third	1993

Respectfully submitted,

WAYNE TEAGUE,
State Superintendent of Education.

Sworn to and subscribed
before me on this 27th
day of January, 1988.

Jerri M. Persall
Notary Public

**COMMUNICATION FROM SUPERINTENDENT
OF EDUCATION**

The foregoing Communication from the Superintendent of Education, relative to the Board of Trustees, University of Alabama, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM STATE
SUPERINTENDENT OF EDUCATION**

January 29, 1988

The Alabama State Senate
State House
Montgomery, AL 36130

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on December 4, 1987.

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Expiration of Term</u>
Martha H. Simms	Huntsville, AL	Fifth	1993

Respectfully submitted,

WAYNE TEAGUE,
State Superintendent of Education.

Sworn to and subscribed
before me on this 27th
day of January, 1988.

Jerri M. Persall
Notary Public

**COMMUNICATION FROM SUPERINTENDENT
OF EDUCATION**

The foregoing Communication from the Superintendent of Education, relative to the Board of Trustees, University of Alabama, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM DEPARTMENT
OF ARCHIVES AND HISTORY**

January 8, 1988

The Honorable the Senate
Alabama State House
Montgomery, AL

Dear Senators,

On May 14, 1987, the Board of Trustees of the Alabama Department of Archives and History elected Archbishop Oscar H. Lipscomb as Trustee for the 1st Congressional District for the term ending December 31, 1992. On behalf of the Trustees, I request the confirmation of Archbishop Lipscomb's election.

Sincerely,

EDWIN C. BRIDGES,
Director.

COMMUNICATION RECEIVED

The foregoing Communication from the Department of Archives and History, relative to an appointment to the Board of Trustees from the 1st Congressional District, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM DEPARTMENT
OF ARCHIVES AND HISTORY**

January 8, 1988

The Honorable the Senate
Alabama State House
Montgomery, AL

Dear Senators:

On May 14, 1987, the Board of Trustees of the Alabama Department of Archives and History elected Mr. Robert E. Steiner III as Trustee for the 2nd Congressional District for the term ending December 31, 1992. On behalf of the Trustees, I request the confirmation of Mr. Steiner's election.

Sincerely,

EDWIN C. BRIDGES,
Director.

COMMUNICATION RECEIVED

The foregoing Communication from the Department of Archives and History, relative to an appointment to the Board of Trustees from the 2nd

Congressional District, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Ethics Commission.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 28th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

Mr. Ray Warren of Montgomery has been appointed, subject to your confirmation, to the State Ethics Commission, replacing Mr. Jack Boykin, for the term expiring on September 1, 1992.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 28th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Ethics Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the University of North Alabama Board of Trustees.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 26th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, Mr. Billy Don Anderson of Sheffield, Alabama, to the University of North Alabama Board of Trustees for the term expiring on September 9, 1999.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 26th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees, University of North Alabama, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the University of North Alabama Board of Trustees.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 26th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Gene Green of Muscle Shoals, Alabama, to the University of North Alabama Board of Trustees for the term expiring on September 9, 1999.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 26th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees, University of North Alabama, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the University of North Alabama Board of Trustees.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 26th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Phillip Logan of Haleyville, Alabama, to the University of North Alabama Board of Trustees for the term expiring on September 9, 1999.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 26th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees, University of North Alabama, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State University Board of Trustees.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Thomas T. Gallion, III, of Montgomery, Alabama, to the Alabama State University Board of Trustees, for the term expiring January 31, 1990.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees, Alabama State University, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Real Estate Commission.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Jim Bagwell of Birmingham, Alabama, to the Alabama Real Estate Commission, for the term expiring in January, 1991.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Real Estate Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Real Estate Commission.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed subject to your confirmation, Mr. Leon Crawford of Huntsville, Alabama, to the Real Estate Commission, replacing Mr. Bert Danner, for the term expiring on September 30, 1992.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Real Estate Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Air National Guard.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have promoted, subject to your confirmation, Colonel John W. Wood, Assistant Adjutant General for Air, Headquarters Alabama Air National Guard, to the grade of Brigadier General in the Alabama Air National Guard.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the rank of Brigadier General in the Alabama Air National Guard, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Docks Advisory Committee.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Dwight Harrigan of Fulton, Alabama, to the Alabama State Docks Advisory Committee, for the term expiring on September 28, 1991.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Docks Advisory Committee, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Docks Advisory Committee.

Respectfully submitted,
JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Robbins Taylor of Montgomery, Alabama, to the Alabama State Docks Advisory Committee, replacing Mr. Ben C. Collier, for the term expiring on September 28, 1991.

Respectfully submitted,
GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Docks Advisory Committee, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Docks Advisory Committee.

Respectfully submitted,
JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Yetta Samford of Opelika, Alabama, to the Alabama State Docks Advisory Committee, replacing Mr. Donald W. Stewart, for the term expiring on September 28, 1991.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Docks Advisory Committee, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Docks Advisory Committee.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Goodwin Myrick of Gadsden, Alabama, to the Alabama State Docks Advisory Committee, replacing Senator Charles Bishop, for the term expiring on September 28, 1991.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Docks Advisory Committee, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Docks Advisory Committee.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. John Hathaway of Huntsville, Alabama, to the Alabama State Docks Advisory Committee, replacing Ms. Juanita B. Sales, for the term expiring on September 28, 1991.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Docks Advisory Committee, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Docks Advisory Committee.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. W. Houston Blount of Birmingham, Alabama, to the Alabama State Docks Advisory Committee, for the term expiring on September 28, 1991.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Docks Advisory Committee, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Docks Advisory Committee.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Dr. Barry Mason of Tuscaloosa, Alabama, to the Alabama State Docks Advisory Committee, replacing Senator Earl Goodwin, for the term expiring on September 28, 1991.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Docks Advisory Committee, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Docks Advisory Committee.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, Mr. G. Sage Lyons of Mobile, Alabama, to the Alabama State Docks Advisory Committee, for the term expiring on September 28, 1991.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Docks Advisory Committee, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Board of Trustees for the Alabama Institute for the Deaf and Blind.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Ralph Gaines, to the Board of Trustees for the Alabama Institute for the Deaf and Blind, for the term expiring on November 28, 1992.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees, Alabama Institute for the Deaf and Blind, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Surface Mining Commission.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Charles Gilbreath of Double Springs, Alabama, to the Surface Mining Commission, replacing Mr. Samuel M. Hill, for the term expiring on June 30, 1991.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Surface Mining Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Surface Mining Commission.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Robert A. Jones of Birmingham, Alabama, to the Surface Mining Commission, replacing Mr. W. Alan Summers, for the term expiring on June 30, 1992.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Surface Mining Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Surface Mining Commission.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. John M. Cardwell of Birmingham, Alabama, to the Surface Mining Commission, for the term expiring on June 30, 1992.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Surface Mining Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Surface Mining Commission.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Dr. David J. Rowland of Jasper, Alabama, to the Surface Mining Commission, replacing Mr. Robert A. Jones, for the term expiring on June 30, 1990.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Surface Mining Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Surface Mining Commission.

Respectfully submitted,
JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Edward O'Neal Shipman of Double Springs, Alabama, to the Surface Mining Commission, replacing Dr. David J. Rowland, for the term expiring on June 30, 1991.

Respectfully submitted,
GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Surface Mining Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the University of North Alabama Board of Trustees.

Respectfully submitted,
JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Richard E. Moss of Florence, Alabama, to the University of North Alabama Board of Trustees, for the term expiring on September 9, 1995.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees, University of North Alabama, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Tuscaloosa City Civil Service Board.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Walter B. Lawson to the Tuscaloosa City Civil Service Board, for the term expiring on May 15, 1993.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Tuscaloosa City Civil Service Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Tuscaloosa County Civil Service Board.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mrs. Anne W. Rhone to the Tuscaloosa County Civil Service Board, for the term expiring on May 15, 1993.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Tuscaloosa County Civil Service Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Textbook Committee.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mrs. Jo J. Echols to the Textbook Committee, for the term expiring on April 30, 1988.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Textbook Committee, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Textbook Committee.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, William R. Trammell, to the Textbook Committee, for the term expiring on April 30, 1988.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Textbook Committee, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Textbook Committee.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mrs. Jackie Cleveland to the Textbook Committee, for the term expiring on April 30, 1988.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Textbook Committee, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Textbook Committee.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Keith Alsop to the Textbook Committee, for the term expiring on April 30, 1988.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Textbook Committee, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Textbook Committee.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Josiah Bancroft to the Textbook Committee, for the term expiring on April 30, 1988.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Textbook Committee, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Textbook Committee.

Respectfully submitted,
JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. W. C. Davis to the Textbook Committee, for the term expiring April 30, 1988.

Respectfully submitted,
GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Textbook Committee, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Textbook Committee.

Respectfully submitted,
JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mrs. S. C. Bryant to the Textbook Committee, for the term expiring on April 30, 1988.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Textbook Committee, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Textbook Committee.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mrs. Millie W. Shields to the Textbook Committee, for the term expiring on April 30, 1988.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Textbook Committee, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Textbook Committee.

Respectfully submitted,
JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mrs. Susan Bagley to the Textbook Committee, for the term expiring on April 30, 1988.

Respectfully submitted,
GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Textbook Committee, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Livingston University Board of Trustees.

Respectfully submitted,
JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mrs. Louise Nolen of Fayette, Alabama, to the Livingston University Board of Trustees, for the term expiring on December 27, 1995.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees, Livingston University, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Commission on Higher Education.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Borden Morrow to the Alabama Commission on Higher Education, for the term expiring on August 31, 1995.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Commission on Higher Education, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Commission on Higher Education.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Charles F. Horton, to the Alabama Commission on Higher Education, for the term expiring on August 31, 1993.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Commission on Higher Education, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Crime Victims' Compensation Commission.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Sgt. Joseph Connick, III, of Mobile, Alabama, to the Crime Victims' Compensation Commission, replacing Mr. Bob Bryant, for the term expiring on June 1, 1991.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Crime Victims' Compensation Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Crime Victims' Compensation Commission.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mrs. Teresa Petelos of Birmingham, Alabama, to the Crime Victims' Compensation Commission, replacing Mr. Wilby Wallace, for the term expiring on June 1, 1990.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Crime Victims' Compensation Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Credit Union Board.

Respectfully submitted,
JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, Mr. J. Thomas Brassell of Montgomery, Alabama, to the Alabama Credit Union Board, for the term expiring on February 1, 1990.

Respectfully submitted,
GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Credit Union Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Credit Union Board.

Respectfully submitted,
JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Jerry Wayne Maughon of Mobile, Alabama, to the Alabama Credit Union Board replacing Mr. Albert E. Williams, for the term expiring on February 1, 1990.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Credit Union Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Credit Union Administration.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Lawrence C. "Sparky" Williams of Montgomery, Alabama, as the Administrator of the Alabama Credit Union Administration, for the term expiring on February 1, 1991.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment as the Administrator of the Alabama Credit Union Administration, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Banking Board.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. James R. Jones of Flomaton, Alabama, to the Alabama Banking Board, replacing Mr. John Gittings, for the term expiring on February 1, 1993.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Banking Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Agriculture and Industries Board.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Calvin Weaver of Wedowee, Alabama, to the Agriculture and Industries Board, for the term expiring in January, 1991.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Agriculture and Industries Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Agriculture and Industries Board.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. William Deal of Headland, Alabama, to the Agriculture and Industries Board, for the term expiring in January, 1991.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Agriculture and Industries Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Agriculture and Industries Board.

Respectfully submitted,
JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Michael Smith of Verbena, Alabama, to the Agriculture and Industries Board, for the term expiring in January, 1991.

Respectfully submitted,
GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Agriculture and Industries Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Agriculture and Industries Board.

Respectfully submitted,
JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Jessie Cornelison of Scottsboro, Alabama, to the Agriculture and Industries Board, for the term expiring in January, 1991.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Agriculture and Industries Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Agriculture and Industries Board.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Lester Woerner of Elberta, Alabama, to the Agriculture and Industries Board, for the term expiring in January, 1991.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Agriculture and Industries Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Agriculture and Industries Board.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Norman Burch of Grand Bay, Alabama, to the Agriculture and Industries Board, for the term expiring in January, 1991.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Agriculture and Industries Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Agriculture and Industries Board.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Morgan W. Edwards of Cullman, Alabama, to the Agriculture and Industries Board, for the term expiring in January, 1991.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Agriculture and Industries Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Board of Examiners of Landscape Architects.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Frederick J. Rux of Mobile, Alabama, to the Board of Examiners of Landscape Architects, replacing Mr. Terry C. Planche, for the term expiring on January 3, 1990.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Examiners of Landscape Architects, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Educational Television Commission.

Respectfully submitted,
JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Ms. Dannetta K. Thornton of Birmingham, to the Educational Television Commission, replacing Sarah Summerville, for the term expiring on June 25, 1997.

Respectfully submitted,
GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Educational Television Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Educational Television Commission.

Respectfully submitted,
JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Tom Jackson of Birmingham, Alabama, to the Educational Television Commission, replacing Mr. Bill Nelson, for the term expiring on June 25, 1996.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Educational Television Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Foreign Trade Relations Commission.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Milborn N. Chesser to the Foreign Trade Relations Commission, for the term expiring on August 23, 1992.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Foreign Trade Relations Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Foreign Trade Relations Commission.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Perry O. Hooper, Jr., of Montgomery, Alabama, to the Foreign Trade Relations Commission, for the term expiring on August 23, 1992.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Foreign Trade Relations Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Securities Commission.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 19th day of January, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Samuel F. Parker, Jr. of Montgomery, Alabama, to the Alabama Securities Commission, replacing Marcus J. Wolf, for the term expiring on October 31, 1991.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 19th day of January, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Securities Commission, was read and referred to the Standing Committee on Rules.

RESOLUTIONS

Senator Mitchem offered the following Senate Joint Resolution, to-wit:

S. J. R. 12. DESIGNATING THE MONTH OF FEBRUARY, 1988 AS "EGG MONTH."

WHEREAS, with 2.7 billion eggs produced and \$161.6 million in gross farm income, the commercial egg industry is a vital link in the economy of the State of Alabama; and

WHEREAS, the egg industry is part of the great agribusiness sector that has such vast impact on the overall economy and the lives of millions of Alabamians; and

WHEREAS, Alabama is the eighth largest egg-producing state in the nation; and

WHEREAS, the egg industry is part of Alabama's gigantic poultry business, the state's largest agricultural enterprise accounting for more than 30 percent of the total gross farm income in Alabama; and

WHEREAS, the egg ranks among the most nutritious of all foods, high in protein and low in calories. One of the most versatile foods imaginable, the egg fits in fine with any mealtime—breakfast, lunch, and dinner; and

WHEREAS, The Alabama Poultry and Egg Association is engaged in a continuing effort aimed at strengthening and enlarging the accomplishments and importance of the Alabama poultry industry in the State of Alabama and the nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the month of February, 1988 be designated as "EGG MONTH" in Alabama, and all citizens are urged to recognize the economic importance of Alabama's commercial egg industry and the great nutritional value of the egg.

On motion of Senator Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Campbell offered the following Senate Joint Resolution, to-wit:

S. J. R. 13. COMMENDING OAK PARK MIDDLE SCHOOL ON ITS SELECTION BY THE PRESIDENT'S COUNCIL ON PHYSICAL FITNESS AND SPORTS AS A PHYSICAL FITNESS DEMONSTRATION CENTER.

WHEREAS, Oak Park Middle School has been chosen by the President's Council on Physical Fitness and Sports to serve as a Physical Fitness Demonstration Center; and

WHEREAS, the primary objectives of a comprehensive physical education curriculum are physical fitness and good health habits, which contribute to a longer and fuller life for all of us; and

WHEREAS, the State Physical Fitness Champion Award is presented to the school with the highest percentage of its student enrollment winning the President's Award for Physical Fitness; and

WHEREAS, Oak Park Middle School was selected by the President's Council on Physical Fitness and Sports and the American Alliance for Health, Physical Education, Recreation and Dance as the Category III Physical Fitness Champion from Alabama for the years of 1978, 1982, 1983, 1984, 1985, 1986 and 1987; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Oak Park Middle School, Decatur, Alabama, on its outstanding physical education program and on its selection as a State Physical Fitness Champion.

BE IT FURTHER RESOLVED, That also to be commended are Daniel Mose, Stewart Allen, Marcilla Weems, Pat Gray, Jimmy Grammar, Diane Shelton, Dwight Lawler and Eugene Page, physical education teachers at Oak Park Middle School; Nell Clem and Lawrence Walters, Principals; and Byron Nelson, Superintendent.

RESOLVED FURTHER, That we express commendation, as well, of the Decatur City Board of Education and the Board and students of Oak Park Middle School.

On motion of Senator Campbell, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Dial offered the following Senate Resolutions, to-wit:

S. R. 14. COMMENDING THE DAVID UPCHURCH FAMILY OF LINEVILLE AS THE OUTSTANDING FARM FAMILY IN ALABAMA.

Also:

S. R. 15. COMMENDING MARTIN HOUSTON OF CHEROKEE COUNTY HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Which were filed.

Senators Dial and Preuitt offered the following Senate Resolution, to-wit:

S. R. 16. COMMENDING COACH DEWAYNE CLARK OF ALABAMA SCHOOL FOR THE DEAF, TALLADEGA, ALABAMA.

Which was filed.

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate without recommendation, to-wit:

Appointment of Dr. Barry Mason to the Alabama State Docks Advisory Committee

On motion of Senator Covington, the appointment of Dr. Mason was rejected by the Senate.

Yeas 24; Nays 5.

Yeas:

Senators:	Corbett	Figures	Manley	
Amari	Covington	Foshee	Menton	
Barron	Denton	Goodwin	Mitchem	
Bedford	Dial	Hale	Parsons	
Bennett	Drinkard	Horn	Rice	
Bishop	Ellis	Langford	Smith (J)	
Campbell				—24

Nays:

Senators:	Cabaniss	Dixon	Hand	
Bedsale	deGraffenried			—5

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate without recommendation, to-wit:

Appointment of Mr. Goodwin Myrick to the Alabama State Docks Advisory Committee

On motion of Senator Covington, the appointment of Mr. Myrick was rejected by the Senate.

Yeas 22; Nays 6.

Yeas:

Senators:	Campbell	Drinkard	Langford	
Amari	Corbett	Ellis	Manley	
Bailey	Covington	Figures	Menton	
Barron	deGraffenried	Foshee	Parsons	
Bennett	Denton	Goodwin	Rice	
Bishop	Dial	Horn		—22

Nays:

Senators:	Cabaniss	Hale	Smith (J)	
Bedsale	Dixon	Hand		—6

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. G. Sage Lyons to the Alabama State Docks Advisory Committee

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On motion of Senator Menton, the appointment of Mr. Lyons was confirmed by the Senate.

Yeas 25; Nays 3.

Yeas:

Senators:	Cabaniss	Ellis	Langford
Amari	Campbell	Figures	Manley
Bailey	Covington	Foshee	Menton
Barron	deGraffenried	Hale	Preuitt
Bedford	Denton	Hand	Rice
Bedsole	Dial	Horn	Smith (J)
Bennett	Dixon		

—25

Nays:

Senators:	Corbett	Drinkard	Goodwin	—3
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Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. W. Houston Blount to the Alabama State Docks Advisory Committee

On motion of Senator Bailey, the appointment of Mr. Blount was confirmed by the Senate.

Yeas 25; Nays 2.

Abstaining 1.

Yeas:

Senators:	Cabaniss	Ellis	Manley
Amari	Campbell	Figures	Menton
Bailey	Covington	Foshee	Mitchem
Barron	deGraffenried	Hale	Preuitt
Bedford	Denton	Hand	Rice
Bedsole	Dial	Horn	Smith (J)
Bennett	Dixon		

—25

Nays:

Senators:	Corbett	Goodwin	—2
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Abstaining: Senator Drinkard —1

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. John Hathaway to the Alabama State Docks Advisory Committee

On motion of Senator Smith (J), the appointment of Mr. Hathaway was confirmed by the Senate.

Yeas 23; Nays 2.

Abstaining 1.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Amari	Covington	Figures	Menton	
Bailey	deGraffenried	Foshee	Mitchem	
Barron	Denton	Hale	Preuitt	
Bedford	Dial	Hand	Rice	
Bedsole	Dixon	Horn	Smith (J)	—23

Nays:

Senators:	Corbett	Goodwin	—2
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Abstaining: Senator Drinkard —1

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Dwight Harrigan to the Alabama State Docks Advisory Committee

On motion of Senator Drinkard, the appointment of Mr. Harrigan was confirmed by the Senate.

Yeas 22; Nays 3.

Abstaining 1.

Yeas:

Senators:	Campbell	Ellis	Menton	
Amari	Covington	Figures	Mitchem	
Barron	deGraffenried	Foshee	Preuitt	
Bedford	Denton	Hale	Rice	
Bedsole	Dial	Hand	Smith (J)	
Cabaniss	Dixon	Manley		—22

Nays:

Senators:	Corbett	Goodwin	Parsons	—3
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Abstaining: Senator Drinkard —1

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Robbins Taylor to the Alabama State Docks Advisory Committee

Senator Drinkard moved that the appointment of Mr. Taylor be confirmed by the Senate.

Senator Parsons offered a substitute motion that the appointment of Mr. Taylor be rejected.

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On motion of Senator Cabaniss, the motion to reject was laid on the table.

The question then recurred on the motion of Senator Drinkard to confirm, which was adopted, and the appointment of Mr. Taylor was confirmed by the Senate.

Yeas 22; Nays 3.

Abstaining 1.

Yeas:

Senators:	Bennett	Ellis	Menton	
Amari	Cabaniss	Foshee	Mitchem	
Bailey	Covington	Hale	Preuitt	
Barron	deGraffenried	Hand	Rice	
Bedford	Denton	Horn	Smith (J)	
Bedsole	Dial	Manley		—22

Nays:

Senators:	Corbett	Dixon	Goodwin	—3
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Abstaining: Senator Drinkard —1

RECESS

At 6:15 P.M., Senator deGraffenried moved that the Senate take a recess for the purpose of the Joint Session to hear the Message of His Excellency, the Governor, and further moved that at the completion of the Joint Session, the Senate adjourn until Thursday, February 4, 1988, at 10 o'clock A.M., which motion was adopted.

JOINT SESSION

At 6:30 P.M., in accordance with Joint Resolution heretofore adopted, the Senate assembled in the Hall of the House of Representatives for the purpose of hearing the message of His Excellency, the Governor, Honorable Guy Hunt.

The Session was called to order by Lieutenant Governor Folsom, President and Presiding Officer of the Senate. A quorum of the Senate was present.

Thereupon, the Honorable Guy Hunt was escorted to the chair and delivered his address to the Legislature of Alabama.

ADJOURNMENT

The purpose of the Joint Session having been accomplished, at 7 o'clock P.M., in accordance with Motion heretofore adopted, the Senate adjourned until Thursday, February 4, 1988, at 10 o'clock A.M.

SECOND LEGISLATIVE DAY
THURSDAY, FEBRUARY 4, 1988

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by the Reverend Bill Hendricks, Director of Christian Education, St. James United Methodist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Margaret Carraway, Cloverdale Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Foshee	Manley
Amari	Corbett	Goodwin	Menton
Bailey	deGraffenried	Hale	Parsons
Barron	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Rice
Bedsole	Dixon	Holmes	Sanders
Bennett	Drinkard	Horn	Smith (B)
Bishop	Figures	Langford	Smith (J)
Cabaniss			

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JOURNAL

On motion of Senator Corbett, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Corbett, leave of absence was granted Senators Covington, Ellis, and Mitchem for today.

RESOLUTION

Senators Holmes, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Resolution, to-wit:

S. R. 17. COMMENDING THE LEE BRASS COMPANY.

Which was adopted.

RECESS

At 10:30 A.M., on motion of Senator Hand, the Senate took a recess until 10:40 A.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senators Smith (J), Corbett, Bailey, Bedford, Sanders, Bishop, Dixon, Holmes, Horn, Langford, Mitchem, Drinkard, Denton, Rice, Parsons, Bedsole, Menton, Ellis, Bennett, Goodwin, Dial, Hale, Campbell, Figures, Amari, Foshee, and Preuitt:

S. 232. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1989.

Committee on Finance and Taxation.

By Senator Smith (J) (With Notice and Proof):

S. 233. Relating to Madison County; providing a certain county supplement to the salary of each supernumerary court reporter in the Twenty-third Judicial Circuit payable from the county treasury.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 233, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hale:

S. 234. To repeal Sections 12-19-130, 12-19-131, 12-19-132, 12-19-133, 12-19-134, 12-19-137, and 12-19-138, Code of Alabama 1975, which provide for the payment of witness fees in civil cases in district and circuit courts, establishing the manner of computations, collections, and disbursement of such fees; to repeal Sections 12-19-135 and 12-19-136 relating to witness fees in probate courts; and to further repeal all other provisions of law authorizing the payment of witness fees for witnesses in the circuit, district, and probate courts of the State of Alabama.

Committee on Judiciary.

By Senator Hale:

S. 235. To amend Section 12-15-34, Code of Alabama 1975, so as to provide that a child 14 or more years of age may be transferred by the juvenile court for criminal prosecution as an adult for any crime; to provide that the finding of probable cause at the transfer hearing in the juvenile court shall preclude a further probable cause hearing in the criminal court; to provide that the criminal court may exercise any authority over the child, once transferred, that is otherwise applicable to adult offenders; to provide that transfer to the criminal court and conviction therein terminates jurisdiction of the juvenile court over such child with respect to any pending or subsequent criminal acts; to amend the definition of "delinquent act" found in Section 12-15-1 so as to exclude criminal acts committed by a child who has previously been transferred for criminal prosecution and convicted as provided in Section 12-15-34; to amend Section 12-15-33 so as to preclude the possibility of transfer to the juvenile court of a criminal case against a child who has been previously transferred for criminal prosecution and convicted as provided in Section 12-15-34; and, to provide an effective date.

Committee on Judiciary.

By Senator Hale:

S. 236. To amend Sections 32-1-4 and 32-5-310, Code of Alabama 1975, relating to the arrest of traffic offenders to include municipal ordinance violations; to eliminate the requirement that persons placed under custodial arrest are entitled to an immediate hearing before a magistrate; to provide that law enforcement officers may release any person charged with a minor traffic offense upon that person signing the Uniform Traffic Ticket and Complaint promising to appear in court at the designated time; to eliminate the acceptance or approval of bonds by arresting officers, but such provision shall not prohibit sheriffs or their deputies from approving bonds where otherwise authorized by law; to provide that law enforcement officers may place any traffic offender under custodial arrest if he refuses to sign the traffic ticket or has an outstanding warrant of arrest against him returnable to any court of this state; to provide that in certain offenses custodial arrest is authorized in order to assure that sufficient bond is given; to designate judicial officers who are authorized to set and approve bail, including acceptance of cash bonds; and to further provide for the arrest and establish additional penalties for offenders who fail to appear in court as ordered.

Committee on Judiciary.

By Senator Hale:

S. 237. To amend Section 12-12-52, Code of Alabama 1975, so as to delete the requirement of a mandatory court appearance for traffic offenders previously convicted of two or more traffic violations in the preceding twelve months.

Committee on Judiciary.

By Senator Hale:

S. 238. To amend section 12-11-30, Code of Alabama 1975, relating to the civil, jurisdiction and the criminal contempt power of circuit courts to increase the penalties which may be imposed by circuit courts and, pursuant to §12-12-6, district courts to a fine of not more than \$2,000 and/or imprisonment not exceeding 30 days and to amend the jurisdiction of circuit

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courts to authorize the exercise of civil jurisdiction concurrent with the district court in any action in which the matter in controversy exceeds \$1,000, exclusive of interest and costs.

Committee on Judiciary.

By Senator Hale:

S. 239. To amend Sections 12-16-8 and 12-16-8.1, Code of Alabama 1975, which sections relate to juries and jurors to further provide for the compensation to which employees are entitled when summoned to jury service; to provide for a statement of attendance; to further provide for the wrongful discharge of persons summoned for jury service; and to amend Section 12-19-210, Code of Alabama 1975, so as to abolish the \$.05 per mile mileage allowance for persons traveling to and from court for each day's jury service and to increase the expense allowance from \$10.00 to \$12.00 for each day's service.

Committee on Judiciary.

By Senator Hale:

S. 240. To amend Section 15-16-20, Code of Alabama 1975, so as to provide that any person, other than a minor, who is confined in jail awaiting trial for a criminal offense is entitled to a sanity investigation if he or she appears to be insane, and to further provide that such investigation shall be instituted by the judge of the circuit or district court of the county where the person is confined.

Committee on Judiciary.

By Senator Hale:

S. 241. To amend Section 6-6-43, Code of Alabama 1975, to provide that only circuit, district, and probate judges may issue writs of attachment and to further provide that any writs of attachment issued by such judges may be executed in any county of the state.

Committee on Judiciary.

By Senators Hale and Dixon:

S. 242. Relating to the creation of a durable power of attorney for health care; to provide for the title of the Act; to state the legislative intent; to define the terms "durable power of attorney for health care", "attorney in fact", "health care", "health care decision", "health care provider", and "person"; to provide that a durable power of attorney for health care is effective to authorize the attorney in fact to make health care decisions for the principal; to provide for the manner of execution and attestation of the durable power of attorney for health care; to provide that a treating health care provider or an employee of a treating health care provider shall not be designated as attorney in fact; to provide for the form of a durable power of attorney executed without advice of legal counsel; to describe the circumstances under which an attorney in fact may authorize health care decisions for the principal; to provide the attorney in fact with the right to receive and review medical records of the principal; to provide that a durable power of attorney shall expire seven years from the date of its execution unless at the end of that period the principal lacks capacity to make health care decisions; to provide that a durable power of attorney may be revoked and the manner of effecting such revocation; to provide that a health care provider

shall not be subject to criminal prosecution, civil liability or professional disciplinary action for relying on health care decisions made by an attorney in fact acting in good faith; to provide that this act does not affect the law governing health care treatment in an emergency; to provide that the attorney in fact is not authorized to consent to health care or to consent to the withdrawing of health care if the principal objects to the health care or to the withdrawing of the health care; to provide that a health care provider, health care service plan, insurer; self-insured employee, welfare benefit plan, or non-profit hospital plan may not condition admission to the facility or the providing of treatment on the requirement that a patient execute a durable power of attorney for health care; to provide for severability and the effective date of this Act.

Committee on Judiciary.

By Senator Bishop:

S. 243. To amend Section 37-1-80, Code of Alabama 1975, relating to rates charged by public utilities, so as to provide a procedure to be used by the Public Service Commission to determine if the purchase of out of state or foreign coal will alter an electric utility's rates and to prohibit the use of foreign coal to serve certain state facilities.

Committee on Commerce,
Transportation, and Utilities.

By Senator Bishop:

S. 244. To provide for cost-of-living increases in the retirement benefits of retired employees of certain public hospitals and related facilities; to provide that the granting of such increases shall be at the option of the county governing body of the county in which such hospital or facility existed and the cost thereof shall be paid by such county.

Committee on Governmental Affairs.

By Senators Bedford, Mitchem, Dixon, Manley, Barron, Foshee, Menton, Bailey, Drinkard, and Smith (B):

S. 245. To create the Alabama Manufactured Housing Commission Recovery Fund; to insure that purchasers of manufactured homes have a forum for addressing complaints regarding said homes; to create a fund to compensate said purchasers if their complaints are not remedied; and to provide that consumer complaints regarding manufactured houses shall be heard by the Alabama Manufactured Housing Commission, an independent state agency, in accordance with the terms of the Alabama Administrative Procedure Act.

Committee on Judiciary.

By Senator Smith (B) (With Notice and Proof):

S. 246. To amend Act No. 464, H. 1033, approved November 13, 1959, relating to the management of the public records of Madison County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Madison County, and for payment of the costs incurred in the purchase of photographic or microphotographic equipment; creating a county records commission to reg-

ulate the destruction or disposal of such public records; and providing for establishment of a county records custodian and reproduction department.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 246, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Barron, Bedford, Mitchem, Dial, Amari, Bishop, Bedsole, Hand, Langford, Dixon, Hale, Ellis, Cabaniss, Campbell, Denton, and Menton:

S. 247. To create and establish the Handicapped Citizens Hall of Fame for the purpose of honoring persons making certain contributions for the betterment of the lives of handicapped American citizens; to provide for a board of directors for such Hall of Fame; to prescribe the manner of appointment of such board members; to provide for reimbursement of the actual and necessary expenses of the members of such board and to make appropriation from the general fund for such Hall of Fame.

Committee on Finance and Taxation.

By Senators Barron, Bedford, Mitchem, Dial, Bennett, Manley, Amari, Bedsole, Hand, Langford, Hale, Dixon, Ellis, deGraffenried, Cabaniss, Campbell, Denton, and Menton:

S. 248. To provide for the crime of AIDS assault; to define the crime; and to set the punishment.

Committee on Judiciary.

By Senators Dial, Rice, Bedsole, Hand, Manley, Foshee, and Cabaniss:

S. 249. To amend §13A-14-2, Code of Alabama, 1975, which relates to the Sunshine Law, so as to include the Alabama legislature under the provisions of the law, provide for notice of meetings, purposes for exceptions, and to increase the penalties for violations.

Committee on Governmental Affairs.

By Senators Dial, Hand, Barron, Rice, Ellis, Bedsole, Foshee, and Mitchem:

S. 250. To amend Section 40-12-240, Code of Alabama 1975, relating to definitions of motor vehicles, so as to define the portions of the definition of gross vehicle weight which are no longer applicable and to amend Section 40-12-248, Code of Alabama 1975, relating to taxes and fees on trucks and tractors, so as to reduce the annual license taxes and registration fees on certain trucks known as self-propelled campers or house cars.

Committee on Commerce,
Transportation, and Utilities.

By Senators Cabaniss, Amari, Bennett, Parsons, Horn, and Hilliard:

S. 251. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance and Taxation.

By Senator Hilliard:

S. 252. To amend the Alabama Trademark Act to include the registrability of business tradenames thereby creating an "Alabama Trademark and Tradename Act" by amending sections 8-12-6, 8-12-7, 8-12-8, 8-12-9, 8-12-14, 8-12-16, and 8-12-17 of the Code of Alabama 1975. Further to provide for transition provisions for existing trademarks and an effective date of January 1, 1989.

Committee on Small Business.

By Senator deGraffenried:

S. 253. To provide that a retired state policeman may accept employment with a city or county agency and continue to receive his retirement benefits but shall not receive additional retirement benefits for his new employment even though he contributes to the retirement systems; provided further, however, that upon termination of employment with the county or city agency, the employee shall receive the principal amount paid by him into the retirement system less any interest earned on the principal amount.

Committee on State Development and Tourism.

By Senator deGraffenried:

S. 254. To provide for a cost-of-living increase to certain retirees and beneficiaries receiving a monthly benefit from the Employees' Retirement System of Alabama and to provide that no person whose retirement under the Employees' Retirement System of Alabama is based on fifty-one percent or more service as an employee of an employer participating under section 36-27-6, Code of Alabama 1975, shall be entitled to receive said increase unless the employer by which he was employed at the time of his retirement elects to come under the provisions of this act. To further provide for an adjustment in said increase for beneficiaries and for those retirees who elected a monthly survivor option; to provide for the funding of such benefits; and to provide that no person shall be entitled to receive the benefits granted herein if receipt of such will jeopardize such person's eligibility to receive Medicaid benefits.

Committee on Finance and Taxation.

By Senator deGraffenried:

S. 255. To amend Sections 40-6-3 and 40-6-4, Code of Alabama 1975, relating to the compensation and benefits paid to supernumerary tax assessors, tax collectors, revenue commissioners, license commissioners or other elected officials charged with the assessment and/or collection of county ad valorem taxes, so as to provide for a surviving spouse benefit.

Committee on Finance and Taxation.

By Senators deGraffenried and Manley:

S. 256. To establish "The Alabama Legal Services Liability Act"; to define certain terms; to create one form of action and one cause of action against any legal service providers to be known as a Legal Service Liability Action which shall exclusively govern any and all actions for injury or damage against a legal service provider; to establish the standards of care applicable to a legal service provider in a Legal Service Liability Action and to require that the plaintiff shall have the burden of proving that the legal service

provider violated the applicable standard of care; to establish a limitation on the time for the commencement of a Legal Service Liability Action; to provide a procedure for the settlement of disputes by arbitration; to provide that advance payments shall not constitute an admission of liability and that any such payments in excess of the award are not repayable; to provide that the rules of evidence unless specifically changed shall remain the same; to provide for the effect of compliance with or violation of the rules of professional conduct; to provide a procedure for the severance of and for the separate resolution of the Underlying Action in a Legal Service Liability Action; to provide that this act shall apply to all actions against legal service providers based on acts or omissions accruing after its effective date; and to provide that such cause of action shall supersede any inconsistent provisions of law.

Committee on Judiciary.

By Senator Sanders:

S. 257. To propose an amendment to the Constitution of Alabama 1901 for Perry County to provide further for filling vacancies in certain county offices.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Senator Sanders:

S. 258. To propose an amendment to the Constitution of Alabama 1901 for Wilcox County to provide further for filling vacancies in certain county offices.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Senator Sanders:

S. 259. To propose an amendment to the Constitution of Alabama 1901 for Lowndes County to provide further for filling vacancies in certain county offices.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Senator Sanders:

S. 260. To propose an amendment to the Constitution of 1901 for Choctaw County to provide further for filling vacancies in certain county offices.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Senator Sanders:

S. 261. To propose an amendment to the Constitution of Alabama 1901 for Dallas County to provide further for filling vacancies in certain county offices.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Senator Sanders:

S. 262. To propose an amendment to the Constitution of Alabama 1901 for Hale County to provide further for filling vacancies in certain county offices.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Senator Sanders:

S. 263. To provide for an increase in the medicaid eligibility requirements for pregnant women at no less than 100 percent of the federal poverty level.

Committee on Public Welfare.

By Senator Sanders:

S. 264. To further provide for an increase in eligibility for maternity care and other services provided by the Alabama Department of Public Health for non-Medicaid, indigent women and children to 150 percent of the Federal Poverty level; and to make a supplemental appropriation from the general funds of the state treasury for the current fiscal year.

Committee on Public Welfare.

By Senators Dixon, Bennett, Cabaniss, Bedsole, and Smith (J):

S. 265. To amend Section 26-14-9 of the Code of Alabama 1975, relating to immunity from civil or criminal liability for actions in matters of child abuse or neglect, so as to provide further for such immunity; and to provide that no employee of a facility serving children may be subjected to reprisals because of actions in reporting abuse or neglect of a child.

Committee on Judiciary.

By Senator Rice:

S. 266. Establishing a communications bureau within the data systems management division of the department of finance; providing for the acquisition of telecommunications equipment, systems and related services on behalf of state agencies; prescribing procedures for such acquisition; authorizing the promulgation of rules and regulations; and prescribing powers and duties.

Committee on Governmental Affairs.

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By Senator Foshee:

S. 267. To authorize the Attorney General to employ investigators outside of the Alabama State Merit System to investigate matters related to controlled substances; to provide that investigators for the Office of Attorney General when duly appointed and designated by the Attorney General to be engaged in investigations related to controlled substances shall have the powers of peace officers, including arrest powers; and to provide that investigators so employed and designated must meet minimum standards requirements.

Committee on Governmental Affairs.

By Senator Foshee:

S. 268. To amend Section 27-41-35, Code of Alabama 1975, which provides for investments of life, disability and burial insurance companies, so as to provide further for the miscellaneous investments authorized to be made by said companies.

Committee on Banking and Insurance.

By Senator Hand:

S. 269. To amend Section 37-3-4 of the Code of Alabama 1975, relating to motor vehicle carriers, so as to exempt certain trucks and trailers from the regulatory provisions of the "Alabama Motor Carrier Act."

Committee on Commerce,
Transportation, and Utilities.

By Senator Hand:

S. 270. To prohibit public and private motor vehicle carriers from transporting hazardous material through tunnels; to provide for jurisdiction of certain law enforcement officers; and to provide certain misdemeanor and felony penalties for certain violations.

Committee on Health.

By Senator Menton:

S. 271. To require hospitals to notify all pre-hospital agencies who assisted in delivering a person to a hospital, if the hospital learns said person has an infectious disease.

Committee on Health.

By Senators Bailey, Mitchem, Drinkard, Holmes, Dial, Dixon, Rice, Cabaniss, Goodwin, Denton, Amari, Hale, Hand, Bennett, Menton, and Campbell:

S. 272. To repeal Sections 13A-12-150 through 13A-12-159 and Sections 13A-12-170 through 13A-12-179, Code of Alabama 1975; to define obscene material; to define and prohibit the production of, the distribution of, the possession with intent to distribute, and the offer or agreement to produce or distribute obscene material for any thing of pecuniary value; to define and prohibit the public dissemination of obscene material; to define and prohibit the distribution to a minor, the possession with intent to distribute to a minor, the offer or agreement to distribute to a minor, and the display for sale of any material which is indecent for minors; to provide for criminal penalties; to provide for affirmative defenses; to provide for extradition; to

provide for the preventing or enjoining by the circuit courts of any violation of this Act; to provide for preliminary and permanent injunctions and for certain immunities and further to provide that no bond shall be required of the official bringing the action; to provide for the forfeiture and disposition of obscene materials, material which is indecent for minors, moneys, negotiable instruments and funds and all proceeds or receipts derived, whether directly or indirectly, from obscene material, material which is indecent for minors, moneys, negotiable instruments and funds, used, intended to be used, or obtained by any person in violation of this Act; to provide for the forfeiture of a money judgment amount in lieu of certain property subject to forfeiture; to provide that the Alabama Red Light Abatement Act and city and county ordinances not in conflict with the substantive provisions of this act shall not be repealed by implication; to provide for the punishment under previously existing law of offenses committed prior to the effective date; and to provide for severability and for an effective date.

Committee on Judiciary.

By Senators Bailey, Dixon, Rice, Hale, and Drinkard:

S. 273. To make certain legislative findings regarding home instruction as a means of educating children; to require certain testing or evaluation of children taught by home instruction and to amend Sections 16-28-1, 16-1-11, 16-4-16, 16-28-3, 16-28-7, 16-28-8, 16-28-15, 16-28-23 and 16-40-1, Code of Alabama 1975, so as to define the term home instruction, to exempt home instruction students from certain registering, reporting and enrolling requirements and physical education requirements; and to provide for parental responsibility for home education and attendance of each child.

Committee on Education.

By Senators Bailey, Bishop, Amari, Campbell, Bedford, and Bennett:

S. 274. To further amend Section 26-16-31, Code of Alabama 1975, as amended, relating to state income tax refund designation for the children's trust fund, so as to increase the allowable contribution, and to allow the state child abuse and neglect prevention board to make adjustments thereto from time to time.

Committee on Finance and Taxation.

By Senator Bailey:

S. 275. To amend §40-23-4, Code of Alabama 1975, relating to exemption from collection of sales tax of various items and transactions to further exempt the gross proceeds of sales of liquefied petroleum gas used in the manufacture of fertilizer.

Committee on Agriculture,
Conservation, and Forestry.

By Senators Bailey, Bedsole, Bedford, Dial, Holmes, Bishop, and Campbell:

S. 276. To provide for (a) the letter permitting of an operation of "commercial fee fishing ponds"; (b) the exemption of certain persons from otherwise applicable state fishing license requirements; (c) the prohibition of selling or offering to sell or trading or offering to trade any fish taken from said ponds, except as otherwise provided by law; and (d) to provide

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penalties for the violation thereof and rules and regulations promulgated pursuant thereto.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Bailey:

S. 277. To amend Sections 16-28-3, 16-28-4, 16-28-7, and 16-28-9, Code of Alabama, 1975, relating to compulsory school attendance, enrollment, and reporting dates so as to lower the minimum age of cutoff date from October 1 to September 1 and to adjust the required reporting dates accordingly.

Committee on Education.

By Senators Bailey, Amari, and Bedford:

S. 278. To protect the hearing impaired public and to ensure the health, safety and welfare of the people of this state. State legislation is necessary to establish standards of competency and to impose penalties for those who violate the public trust for this field of health care.

Committee on Health.

By Senators Bailey, Cabaniss, Preuitt, Campbell, and Hand:

S. 279. To mandate conversion rights for an employee or a member of their surviving spouse or children under a group policy delivered or issued for delivery in this state which provides hospital, surgical or major medical expense insurance or any combination thereof, when said employee or member dies or when said group employee or member's insurance has been terminated for any reason excluding (a) nonpayment of any required contribution by said member or employee, or (b) replacement of any discontinued group coverage with similar group coverage within 31 days; to prescribe certain benefit levels and the scope of coverage to be contained within the converted policy; to allow optional insurance coverage in the converted policy; to allow for reduction of coverage in the converted policy due to Medicare coverage or coverage under any other state or federal law providing for benefits similar to those provided by the converted policy; to determine the amount and payment of the premium for the converted policy; to allow for optional group coverage in lieu of the issuance of a converted individual policy and to allow an insurer to request certain information in advance of the date any premium is due for said converted policy.

Committee on Banking and Insurance.

By Senators Bailey, Amari, Campbell, and Preuitt:

S. 280. To provide that the State of Alabama shall carry and pay for certain liability insurance to indemnify all state employees required to drive a vehicle as part of their employment.

Committee on Governmental Affairs.

By Senators Bedsole, Smith (J), and Hand:

S. 281. Providing for nonprofit organizations in the state to purchase goods and services through the purchases and stores division of the department of finance, upon request, and purchase products and services offered by the correctional industries division of the department of corrections.

Committee on Judiciary.

By Senators Bedsole and Hale:

S. 282. To amend Sections 9-11-44 and 9-11-53, Code of Alabama 1975, which provide for game and fish, hunting and fishing licenses, so as to increase the license fees, delete an exemption relating to fishing by certain county residents, increase the penalties for violations, and authorize the issuance of licenses on a combination basis.

Committee on Agriculture,
Conservation, and Forestry.

By Senators Bedsole and Hale:

S. 283. To amend Section 9-11-65, Code of Alabama 1975, relating to lifetime resident hunting, fishing and combination licenses, so as to increase the fees for said licenses.

Committee on Agriculture,
Conservation, and Forestry.

By Senators Bedford, Drinkard, Smith (J), Holmes, Parsons, Corbett, Bishop, Langford, Bailey, Campbell, Mitchem, Bennett, Goodwin, Figures, Covington, Denton, Amari, Preuitt, Horn, Foshee, deGraffenried, and Barron:

S. 284. To provide a 12 percent pay increase for certain public education employees with the beginning of the 1988-89 fiscal year; to provide a pay increase for certain retired education employees and to appropriate additional funds; to provide a continuing pay increase provision of 10 percent for those teachers who have gained or may gain "continuing service status" or attain five years teaching experience in public schools and institutions; to define "continuing service status" for pay purposes only; to provide at least a 5 percent increase for full-time personnel on all Salary Schedules in all public two-year colleges and to require a revision of the Salary Schedule; to grant two-year college personnel credit for prior work experience at the postsecondary level; to prescribe a manner for payment; and to provide an effective date.

Committee on Finance and Taxation.

By Senator Drinkard:

S. 285. To require that any person, firm or corporation engaging in the business of manufacturing, installing, repairing, cleaning, disposing of onsite sewage system contents, or maintaining onsite sewage disposal systems shall obtain a certificate of competency to engage in such activities from the state health department; to require testing through the county health department; to require bonding and licensing of onsite sewage disposal system manufacturers, installers, repairers, cleaners or maintainers and to require testing and fees; to require testing, issuing and annual licensing fees to be established by the State Board of Health; to require the payment of testing fees to the county board of health and to require the payment of license fees to the State Board of Health; to authorize rules for the administration and enforcement of this Act; and to provide for penalties for the violation of this Act and rules promulgated under authority of this Act.

Committee on Health.

By Senator Drinkard:

S. 286. To provide for an exception to the confidentiality provision of Act 87-574 when a potential risk exists in the spread of a contagious disease

by authorizing the State Board of Health to set restrictive guidelines for compliance and set penalties for violation.

Committee on Health.

By Senators Drinkard, Rice, Corbett, Holmes, Bedford, Foshee, Campbell, Menton, deGraffenried, Goodwin, Horn, Dial, Langford, Bennett, Manley, Denton, Preuitt, Amari, Parsons, Bishop, Sanders, and Dixon:

S. 287. Relating to state deposits, to create the 1988 George Wallace, Jr., Plan of Linked Deposits; to provide for legislative intent and purpose; to provide for definitions; to authorize the state treasurer to use a certain percentage of state funds for the Plan; to authorize the treasurer to enter into agreements with participating lending institutions of this state whereby the state makes deposits with participating lending institutions at rates of interest lower than the prevailing market rates of interest in return for the commitment of the lending institution to lend equal amounts of funds to eligible agricultural and business borrowers at similarly reduced rates of interest with the objective of stimulating agriculture and business and preserving or creating jobs for Alabama citizens; to establish criteria for qualifying for such low interest loans; to provide for amounts and terms of such loans; to provide for the pricing of such linked deposits and the loans upon which they are based; to provide for application forms and procedures for such loans; to require annual reporting by the treasurer to the legislature regarding the Plan; and to specifically terminate the Plan September 30, 1991, unless the legislature extends it.

Committee on Banking and Insurance.

By Senator Drinkard:

S. 288. To provide that health care service plan corporations organized under Article 6, Chapter 4, Title 10, Code of Alabama 1975, be domestic mutual insurance companies governed by the Insurance Code, Title 27, Code of Alabama 1975 and accorded the same rights and powers and subjected to the same limitations and restrictions as other domestic mutual insurers; to authorize all other domestic insurers to furnish health care service plans to the public; to amend the Insurance Code, Chapter 27, Title 27, Code of Alabama 1975, by adding Section 27-27-62 thereto; and to provide for the continuation of the existence of such corporations, continued application of premium tax revenues, and other transitional provisions.

Committee on Banking and Insurance.

By Senators Preuitt, Smith (J), Dial, Mitchem, Bailey, Dixon, Campbell, and Drinkard:

S. 289. To amend §34-24-74, Code of Alabama 1975, to provide that a physician licensed to practice medicine in any state or the District of Columbia who may be called into this state to treat a patient in consultation with a physician licensed in this state shall be allowed the temporary privilege of practicing in this state and that such privilege shall be limited to ten (10) calendar days in a calendar year; and to provide that a physician licensed to practice in any state who accompanies a patient being transported to this state for treatment shall be permitted to render medical care to the patient being transported and on arrival shall immediately refer the care of the patient to a physician licensed in this state.

Committee on Health.

By Senators Preuitt and Dial:

S. 290. To amend Section 21-1-16, Code of Alabama 1975, relating to a register of blind persons, so as to require certain medical and health providers and certain governmental agencies to inform the Alabama Institute for Deaf and Blind of all cases of blindness; to require said Institute to create and provide a register form and to publish an annual report; to provide for the confidentiality of said form and to grant certain civil and criminal immunity to persons who report information pursuant to this act.

Committee on Judiciary.

By Senator Dial:

S. 291. Proposing an amendment to the Constitution of Alabama of 1901, establishing a district attorneys' inquiry commission which shall conduct investigations into complaints concerning district attorneys; creating a court of district attorneys to hear complaints filed by the commission; and creating a district attorneys' canon promulgating committee to promulgate canons of ethics for district attorneys.

Committee on Judiciary.

The above Bill was read a first time at length as required by the Constitution.

By Senator deGraffenried:

S. 292. To provide for the establishment of a fund from which survivor allowances for spouses of deceased district or supernumerary district attorneys shall be paid; to provide requirements for eligibility for receipt of such benefits; to provide funding for the proper operations and maintenance of such fund; and to provide for the management of such fund.

Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

Also:

H. J. R. 3. INVITATION FOR JOINT ADDRESS.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Kennedy and Escott:

H. J. R. 48. DESIGNATING FEBRUARY 9, 1988, AS "DELTA DAY" AT THE ALABAMA STATE HOUSE AND "DELTA SIGMA THETA DAY" IN THE STATE OF ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Horn, the Rules were suspended and the Resolution, H. J. R. 48, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Richardson and Hall:

H. J. R. 53. HONORING WILLIAM WALLACE GROSS OF SCOTTSBORO, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 53, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Flowers, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham,

Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 43. CONGRATULATING THE TROY STATE UNIVERSITY FOOTBALL TEAM ON ITS 1987 NCAA DIVISION II NATIONAL CHAMPIONSHIP.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 43, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Bugg and Junkins:

H. J. R. 50. COMMENDING DAVID SHOCKLEY ON HIS INDUCTION INTO THE ALABAMA TEACHER HALL OF FAME.

Also:

By Reps. Zoghby, Gaston, Kvalheim, Turner, Harper, Marietta, Box, Penry, McMillan, Breedlove, Buskey (JE), Clark (W), and Kennedy:

H. J. R. 51. MOURNING THE DEATH OF OLIVER HARRIS DELCHAMPS OF MOBILE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 50 and 51, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Penry, McMillan, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne,

Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 56. URGING OBSERVANCE OF "SPINAL CORD INJURY AWARENESS MONTH" AND THE FEET FIRST FIRST TIME PROGRAM.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Langford, the Rules were suspended and the Resolution, H. J. R. 56, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Turnham and White (L):

H. J. R. 36. MOURNING THE DEATH OF CLAUDE BLANCHARD LAYFIELD, JR., OF DADEVILLE AND AUBURN, ALABAMA.

Also:

By Reps. Kvalheim, Zoghby, Gaston, Marietta, Kennedy, Clark (W), Buskey (JE), Box, Turner, and Harper:

H. J. R. 39. CONGRATULATING UMS PREPARATORY SCHOOL OF MOBILE, ALABAMA'S 1987 STATE 3A FOOTBALL CHAMPIONS.

Also:

By Rep. Kvalheim:

H. J. R. 40. MOURNING THE DEATH OF MARY MCLAUGHLIN WATSON OF MOBILE, ALABAMA.

Also:

By Rep. Rains:

H. J. R. 42. COMMENDING THURSTON JOHNSTON OF CROSSVILLE, ALABAMA, RECIPIENT OF THE UNITED STATES BASEBALL FEDERATION'S SERVICE AWARD.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Langford, the Rules were suspended and the Resolutions, H. J. R.'s 36, 39, 40, and 42, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 12. DESIGNATING THE MONTH OF FEBRUARY, 1988 AS "EGG MONTH."

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 3. RELATIVE TO THE PRINTING OF THE ACTS AND JOURNALS.

Also:

S. J. R. 4. MOURNING THE DEATH OF JONNIE DEE RILEY LITTLE OF AUBURN, ALABAMA.

Also:

S. J. R. 6. MOURNING THE DEATH OF PASCHAL PATRICK VACCA OF TARRANT, ALABAMA.

Also:

S. J. R. 13. COMMENDING OAK PARK MIDDLE SCHOOL ON ITS SELECTION BY THE PRESIDENT'S COUNCIL ON PHYSICAL FITNESS AND SPORTS AS A PHYSICAL FITNESS DEMONSTRATION CENTER.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Hettinger, Freeman, Hall, Butler, and Brooks:

H. J. R. 23. COMMENDING MR. ROBERT E. CRAMER, JR., DISTRICT ATTORNEY, TWENTY-THIRD JUDICIAL CIRCUIT.

Also:

By Rep. Starkey:

H. J. R. 24. DESIGNATING THE ANNUAL "FAIRE" IN FLORENCE AS ALABAMA'S OFFICIAL RENAISSANCE FAIRE.

Also:

By Rep. Cosby:

H. J. R. 25. HONORING FRANK BROOKS YIELDING OF BIRMINGHAM, ALABAMA.

Also:

By Reps. Burke, Lindsey, and Rains:

H. J. R. 27. MOURNING THE DEATH OF LESLIE JORDAN TAYLOR OF FORT PAYNE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Langford, the Rules were suspended and the Resolutions, H. J. R.'s 23, 24, 25, and 27, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Biddle, McDowell, Beers, Curry, Davis, Escott, Gray, McClain, Newton, Payne, Perdue, Petelos, Rogers, Seibels, Slaughter, Spratt, and Wright:

H. J. R. 7. NAMING A NEW BUILDING ON UAB'S CAMPUS THE GENE BARTOW ARENA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Horn, the Rules were suspended and the Resolution, H. J. R. 7, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. White (L):

H. J. R. 11. COMMENDING THE REELTOWN HIGH SCHOOL REBEL PRIDE BAND FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. White (L):

H. J. R. 12. COMMENDING COACH DUANE WEBSTER OF TALLAPOOSA COUNTY'S REELTOWN HIGH SCHOOL.

Also:

By Rep. White (L):

H. J. R. 13. COMMENDING THE REELTOWN HIGH SCHOOL FOOTBALL TEAM, STATE 2A FOOTBALL CHAMPIONS FOR 1987.

Also:

By Reps. White (L) and Venable:

H. J. R. 14. NAMING A PORTION OF HIGHWAY 280 IN TAL-
LAPOOSA COUNTY, ALABAMA, "THE CAMP ASCCA/EASTER SEALS
ALABAMA'S SPECIAL CAMP FOR THE DISABLED HIGHWAY."

Also:

By Reps. Richardson and Hall:

H. J. R. 15. COMMENDING THE SCOTTSBORO-JACKSON
COUNTY RESCUE SQUAD FOR OUTSTANDING SERVICE TO THE
COMMUNITY.

Also:

By Rep. Richardson:

H. J. R. 16. DESIGNATING A CERTAIN ROAD IN JACKSON
COUNTY AS THE "JOE ABBOTT DRIVE."

Also:

By Reps. Drake and Bowling:

H. J. R. 17. DESIGNATING THE MONTH OF FEBRUARY 1988 AS
"EGG MONTH IN ALABAMA."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Langford, the Rules were suspended and the Resolutions, H. J. R.'s 11, 12, 13, 15, and 17, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

The Resolutions, H. J. R.'s 14 and 16, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

RESOLUTION RECONSIDERED

On motion of Senator Denton, the Senate reconsidered the vote by which the Resolution, H. J. R. 24, was concurred in and adopted.

Senator Denton then offered the following amendment to the Resolution, H. J. R. 24, to-wit:

AMENDMENT TO H. J. R. 24

Amend HJR 24, on Page 1, Line 15, by striking the word "Northeast" and inserting in lieu thereof the following:

"Northwest"

Which was adopted.

And said Resolution, H. J. R. 24, as thus amended, was again concurred in and adopted by the Senate.

COMMITTEE REPORT FILED

Pursuant to the provisions of Act 79-550 et al, the Alabama Interim Legislative Committee on Municipal Government Report for 1987-1988 was filed with the Secretary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

H. J. R. 4. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Tuesday, February 2, 1988, they adjourn to meet again on Thursday, February, 4, 1988; and when they adjourn on Thursday, February 4, they adjourn to meet again on Tuesday, February 9, 1988.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 4, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Gaston and Kvalheim:

H. J. R. 19. COMMENDING SHELDON L. MORGAN FOR OUTSTANDING SERVICE TO THE MOBILE COMMUNITY AND AS CHAIRMAN OF THE NATIONAL WATERWAYS CONFERENCE.

Also:

By Rep. Gaston:

H. J. R. 20. COMMENDING LEO BROWN FOR OUTSTANDING SERVICE IN THE FIELD OF PUBLIC EDUCATION.

Also:

By Rep. Wright:

H. J. R. 21. CONGRATULATING MR. AND MRS. MILTON FULLMAN ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

Also:

By Rep. Wright:

H. J. R. 22. CONGRATULATING MR. AND MRS. THOMAS DALTON MOORE ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 19, 20, 21, and 22, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Turnham:

H. J. R. 28. INVITING DR. CLAUDE EARL FOX, STATE HEALTH OFFICER, TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE ON THE AIDS CRISIS IN ALABAMA.

WHEREAS, The AIDS (Acquired Immune Deficiency Syndrome) crisis has alarmed the entire world by creating fear and panic; and

WHEREAS, the fear and concern of our citizens are shared by the Legislature and the potential impact on our society facing untold numbers of deaths attributed to AIDS; and

WHEREAS, it is necessary for the Legislature to be informed as to the Status of the AIDS crisis in this State and to know what programs are being provided through the Department of Public Health to prevent its spread and protect the citizens of Alabama; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we herein extend an invitation to Dr. Claude Earl Fox, State Health Officer, to address the Alabama Legislature on Thursday, February eighteenth, nineteen hundred and eighty-eight at 11:30 a.m. on the status of the AIDS problem in Alabama, at which time the Legislature shall convene in joint session.

BE IT FURTHER RESOLVED, that the Clerk of the House of Representatives is hereby directed to forward a copy of this resolution to Dr. Fox in anticipation of his acceptance.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 28, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Ford:

H. J. R. 9. MOURNING THE DEATH OF HOFFORD CURTIS CHARACTER OF GADSDEN, ALABAMA.

Also:

By Rep. Ford:

H. J. R. 10. COMMENDING THE JOINT EFFORT IN THE SUCCESSFUL OPERATION FOR THE OPENING OF THE TOM BEVILL CENTER.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 9 and 10, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Junkins, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 6. MOURNING THE DEATH OF BILL K. BUGG OF GADSDEN, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 6, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORT OF COMMITTEES

Senator Drinkard, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator deGraffenried:

S. 115. Relating to banks and banking, which amends Title 5 of the Code of Alabama 1975 by adding Chapter 14A so as to create the "Alabama Credit Card Act"; provides a short title; provides definitions; authorizes any bank holding company, bank holding company subsidiary, domestic lender or foreign lender to establish or acquire, and own and control either singly or jointly with other bank holding companies, bank holding company subsidiaries, domestic lenders or foreign lenders, a single credit card bank whose principal place of business is in Alabama subject to the approval of the Superintendent of Banks; provides the terms, conditions and limitations under which a credit card bank may be established or acquired, and owned and controlled; provides that in connection with a credit card account any domestic lender or credit card bank may provide in the credit card agreement such finance charges, interest rates, charges for cash advances, charges for exceeding pre-established credit limits, late fees or delinquency charges, premiums on credit life and credit accident and health insurance, annual fees, and other charges and fees, and such other terms and conditions as the lender and the debtor may agree to from time to time; provides for regulatory supervision of, and enforcement authority over, credit card banks; provides for applications, and application filing fees to the Superintendent of Banks; provides that the Superintendent may order credit card banks to cease all operations under certain conditions and may impose civil penalties for failure to abide by such order; provides that the Superintendent may require divestiture of a credit card bank under certain conditions; provides that the Superintendent may promulgate rules and regulations; provides that credit card banks shall be subject to all other banking laws except where any rights, powers, privileges or provisions thereof are inconsistent with the rights, powers, privileges, provisions or limitations of Chapter 14A of Title 5 of Code of Alabama 1975; provides that a credit card bank shall not be considered a "bank" for the purpose of certain banking laws; provides for severability of provisions; provides for the repeal of Section 5-20-1, Code of Alabama 1975, which establishes fees for credit cards and certain other open-end credit plans, and for the amendment or repeal of conflicting provisions of law; and provides an effective date.

By Senator Drinkard:

S. 95. To amend Section 35-10-26, Code of Alabama 1975, so as to provide that title passing by a mortgage will not divest until all secured obligations are paid and there is no commitment or agreement by the mortgagee to make advances, incur obligations or otherwise give value under any agreement; to provide for the satisfaction of mortgages; to provide for severability of the provisions of this Act; to provide for repeal of conflicting laws; and to provide an effective date.

By Senator deGraffenried:

S. 119. To amend Section 5-19-4, Code of Alabama 1975, relating to consumer finance, so as to require actuarial method of computation on

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consumer loans and consumer credit sales with an original term of more than 61 months; to provide for the charging and collecting of an amount not to exceed five percent of the original principal balance or total line of credit in consumer credit transactions secured by an interest in real property; to provide that provisions of this act are cumulative to, and not in derogation of rights under other provisions of state and federal law and shall not in any way repeal, amend or modify the provisions of Section 8-8-5, Code of Alabama 1975.

By Senators Manley and Parsons:

S. 127. To authorize (and in certain circumstances to require) a fiduciary to make certain elections or to divide or keep separate a trust or estate in light of the generation-skipping transfer tax, to be effective with respect to transfers in trust, and decedents dying, on and after January 1, 1987.

By Senators Amari, Bennett, Smith (J), Ellis, Drinkard, Campbell, Denton, and Covington:

S. 181. To amend Section 5-3A-9, Code of Alabama 1975, which prohibits banking department employees from borrowing money from state banks so as to limit the prohibition to the superintendent, any assistant superintendent, deputy superintendent and all bank examiners.

By Senators Amari, Bennett, deGraffenried, Smith (J), Ellis, Drinkard, Campbell, Denton, and Covington:

S. 182. To grant state chartered banks the same powers, privileges and protection held by federally chartered banks, if approved by the state superintendent of banks.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Dial, Manley, and Dixon:

S. 56. To repeal Section 22-6-5, Code of Alabama 1975, relating to the retention of eligibility for benefits by Medicaid patients who are in a nursing home and whose incomes increase to amounts exceeding the eligibility limit.

By Senator Manley:

S. 132. To amend §34-24-367 Code of Alabama, 1975 to provide that judicial review of the orders and decisions of the Medical Licensure Commission shall be governed by §41-22-20 of the Alabama Administrative Procedure Act provided that the following procedures take precedence over §41-22-20(c) relating to the issuance of a stay or supersedeas pending judicial review of a decision by the Commission to suspend or revoke a license to practice medicine; to express the legislative purpose and intent that the imposition of the penalty of suspension or revocation of the license to practice medicine creates a presumption that the continuation in practice of the physician constitutes an immediate danger to the public health, safety and welfare; to provide that no stay or supersedeas shall be granted pending judicial review unless the reviewing court finds in writing that the action of the Commission was taken without statutory authority, was arbitrary or capricious, or constituted a gross abuse of discretion; to provide that an order of the Commission temporarily suspending a license to practice medicine shall not be stayed pending judicial review unless the reviewing court finds

in writing that the order of the Commission temporarily suspending the license was issued without statutory authority, was arbitrary or capricious, constituted gross abuse of discretion or was made in violation of the requirements of §41-27-19(d) of the Alabama Administrative Procedure Act.

By Senator Dixon:

S. 188. To further regulate the advertising by dentists, and the fees of dentists for administering anesthesia intravenous sedation; and to further amend Sections 34-9-19, 34-9-60, 34-9-61, 34-9-63 and 34-9-64, Code of Alabama 1975, as amended, so as to further provide therefor.

Senator Amari, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Bedford and Amari:

S. 2. Relating to civil liability for selling or otherwise furnishing alcoholic beverages unlawfully; to provide liability for selling, giving or otherwise disposing of alcoholic beverages to a minor or in an unlawful manner to a person causing intoxication; to provide for compensatory and punitive damages; to provide liability for sales by the person, corporation, or other entity itself or by or through its agents, servants and employees; to amend Sections 6-5-70 and 6-5-71, Code of Alabama 1975, relating to civil actions for such liability; and to repeal all laws or parts of law in conflict herewith.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Manley:

S. 125. To amend Act No. 87-554 enacted at the 1987 Regular Session of the Legislature of Alabama so as to insert in Subsection (1)b1(viii) thereof the appropriate reference to Act No. 87-550.

By Senator Manley:

S. 131. To revise the law on redemption of real estate and provide: definitions; who may redeem and priorities; to extend rights under this bill to executors and administrators; to characterize the rights of redemption under this bill; demand for statement of debt and lawful charges by person entitled to redeem; payment or tender of purchaser money and other lawful charges, with interest; payment of value of permanent improvements and how the value of improvements are ascertained; provisions for when there is a failure or refusal of a purchaser to recover title; the settlement and adjustment of rights and equities by a circuit court when a complaint is filed; and when a right to redeem does not exist. This act applies only to mortgages foreclosed on or after the effective date of this Act which is January 1, 1989. The bill further repeals Alabama Code Sections 6-5-230 through 6-5-246 as amended.

By Senator deGraffenried:

S. 116. To provide further for the revision of the guardianship laws of this state by amending Sections 1-106, 1-107, 2-104, 2-309, 2-313 and 2-334 of the Alabama Uniform Guardianship and Protective Proceedings Act, Act

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No. 87-590, H. 233, which sections appear respectively as sections 26-2A-6, 26-2A-7, 26-2A-73, 26-2A-138, 26-2A-142, and 26-2A-8 of the Code of Alabama 1975 and to be retroactive as of January 1, 1988.

By Senator Goodwin:

S. 9. To amend Section 30-1-7, Code of Alabama 1975, relating to persons authorized to solemnize marriages, so as to authorize retired probate judges to solemnize marriages.

By Senator Smith (J):

S. 177. To amend Section 13A-11-11, Code of Alabama 1975, as amended, relating to the crime and penalty for falsely reporting an incident, so as to increase the penalty to a felony.

By Senator Preuitt:

S. 37. To require written notice to the district attorney and through him to the victim before temporary or conditional release of certain inmates; to define temporary or conditional release; to specify the inmates covered by the crime committed; to specify the notice required and its timing; to define victim; to define notice; and to provide that the district attorney or his assistant may represent the victim in communicating any objections to the Commissioner of the Department of Corrections; and to specifically repeal Section 15-18-114, Code of Alabama 1975.

By Senator Hale:

S. 35. To amend Section 12-14-5, Code of Alabama 1975, which Section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which Section relates to appeals to the circuit court from judgments of municipal courts; to establish an effective date.

By Senator Manley:

S. 130. To revise the law on powers contained in mortgages on real estate and to provide: definitions; foreclosure by power of sale; minimum standards for notice of sale; method of conducting foreclosure by power of sale; and successive sales under power permitted. To apply only to mortgages, defined herein, executed on or after the effective date of this Act which is January 1, 1989.

By Senator Menton:

S. 14. To amend Section 12-21-131, Code of Alabama 1975, which relates to interpreters for judicial proceedings for persons defective in speech and/or hearing, so as to provide further for such interpreters.

By Senator Smith (J):

S. 94. To amend Code of Alabama 1975, §20-2-93, relating to seizure and forfeiture of property in controlled substances cases.

By Senator Manley:

S. 129. To amend Sections 43-8-40 and 43-8-70, Code of Alabama 1975, to clarify the meaning of "estate" of a surviving spouse.

By Senator Smith (J):

S. 178. To amend Section 12-17-61, Code of Alabama 1975, which provides for the number of district court judges, so as to provide three district court judges for Madison County; to provide for the time of establishment of such judgeship No. 3; and to provide for the election of such additional district judge.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Cabaniss, deGraffenried, and Drinkard (With Amendment):

S. 110. To create the Alabama Self-Insurers Guaranty Association; to provide for the membership and duties of the board of directors of the association; to establish an insolvency fund; to establish procedures by which claims may be filed and paid; to provide that the department of industrial relations shall regulate the association; and to provide for immunity from certain liability for the association.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Campbell:

S. 61. To amend Section 9-13-63, Code of Alabama 1975, which provides for the maintaining of records of purchases of manufactured forest products, so as to provide further therefor; and to increase the misdemeanor penalty for failure to maintain such records.

By Senator Menton:

S. 71. To further provide for seafoods and marine resources licenses in this state; to amend Section 9-12-119, Code of Alabama 1975, relating to issuance of licenses, so as to further provide for the issuance thereof, to increase the issuance fees, to specify that said issuance fees shall be in addition to the cost of licenses, to specify that the license fees shall be credited to the marine resources fund, and to provide for the return to the department of conservation and natural resources of unused licenses and stubs of licenses issued; to amend Section 9-12-82, Code of Alabama 1975, relating to "oyster catcher" licenses, so as to provide that the cost thereof shall be \$50.00; to repeal Section 9-12-84, Code of Alabama 1975; to amend Section 9-12-93, Code of Alabama 1975, relating to certain "shrimp boat" licenses, so as to increase fees and establish categories of license fees for residents, to further provide for use of recreational boats catching shrimp for certain purposes, to further provide for nonresident license fees, and to provide that license fees shall be deposited to the marine resources fund; to repeal Section 9-12-92, Code of Alabama 1975; to amend Section 9-12-113, Code of Alabama 1975, relating to certain commercial hook and line and net or seine licenses, so as to increase and further provide for resident license fees, to further provide for nonresident license fees, to provide certain exemptions for certain seines, to further provide for the possession of said licenses, to require certain nets and seines to bear a certain tag, to provide that certain nets and seines utilized in certain illegal manners shall be

nuisances and subject to confiscation, to provide for the forfeit of certain nets and seines under certain circumstances, and to require the immediate return to waters of game fish taken by nets or seines pursuant to this code section; to provide for a certain recreational gill net license for a fee of \$50.00, and to prohibit the sale or barter or offer for sale or barter of fish taken pursuant to this license; to provide for and require a "crab catcher's" license for the taking of crabs for commercial purposes or the using by individuals for personal, noncommercial purposes of more than five (5) crab traps, to provide for a license fee of \$50.00, to provide for individual use of up to five (5) crab traps for personal, noncommercial purposes without said license, to require crab traps and commercial crab boats to display certain identifying markings, to prohibit the taking of crabs from traps of others without authorization, to provide for the deposit of license proceeds to the marine resources fund, to provide for a September 30 expiration date, and to provide penalties for the violation thereof; to provide for and require a "seafood dealer's" license, to define "seafood dealer", to provide for a license fee of \$125.00, to provide for certain exemptions, to prohibit certain restaurants and grocers from certain purchases of certain seafoods without said license, to provide for and require additional said licenses under certain circumstances, to provide from whom "seafood dealers" may purchase seafoods, to prohibit the sale of seafoods as provided for in this section without said license, and to provide penalties for the violation of this section; and to repeal sections 9-12-86, 9-12-88, 9-12-89, 9-12-90, 9-12-91, 9-12-81 and 9-12-114, Code of Alabama 1975.

By Senators Bedsole and Holmes:

S. 168. To establish an official state nongame wildlife print or wildlife stamp; to provide for funding of the program establishing the print or stamp and to provide that the program shall be administered by the Department of Conservation and Natural Resources.

Senator Rice, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Dial, Denton, Hand, Bedsole, and Rice:

S. 190. To authorize the Alabama Medicaid Agency to contract with a central source, for the procurement of prescription eyewear for qualified sight impaired Medicaid recipients, for periods not to exceed five years.

By Senator Rice:

S. 197. Relating to alcoholic beverages; to provide for business relations between suppliers and wholesalers of beer; to require written agreements setting forth in full the supplier's agreement with the wholesaler, and designating a specific exclusive sales territory; to provide for prohibited acts by the supplier and by the wholesaler; to provide for conditions of amendment, modification, resignation, cancellation, termination, failure to renew or refusal to continue said agreement; to provide for the transfer of wholesaler's business, for the establishment of non-discriminatory, material and reasonable qualifications and standards by supplier, and prohibit interference with the transfer upon compliance with those standards; to provide for reasonable compensation upon supplier's violation of the act, including method of voluntary arbitration; to provide for civil actions for violations, damages and venue; to provide for the burden of proof; to provide that the wholesaler

may not waive rights set forth in this act; to provide that the act relates to existing and future agreements, transferee of wholesaler continuing under written agreement, and supplier's successor; and to provide that this act is cumulative.

By Senator Bedsole:

S. 212. To require the state department of human resources to charge a fee in the amount of \$1,000.00 to be assessed as costs against the parties for investigation services performed in certain independent cases involving adoption; and to provide that such fees received be deposited to credit of state public welfare trust fund.

By Senator Bedsole:

S. 213. To require the state department of human resources to charge a fee at a certain hourly rate to be assessed as costs against the parties for investigation services performed in cases involving divorce or divorce modifications.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Dial, Manley, Bailey, Hand, Dixon, Cabaniss, Barron, and Foshee:

S. 54. To repeal Sections 16-24A-1 through 16-24A-29 of the Code of Alabama 1975, as amended, known as the Alabama Performance-Based Career Incentive Program Act.

By Senator Bishop:

S. 99. To amend Sections 16-1-18, 16-8-25, 16-12-21, 16-22-9, and 21-1-21 Code of Alabama, 1975, relating to limits on sick leave so as to increase the maximum number of possible accumulated sick leave days from 150 to 180 for educational personnel at the Alabama Institute for Deaf and Blind and in all public city and county school systems.

By Senators Rice, Dial, Manley, Ellis, Hand, Amari, and Mitchem:

S. 201. Relating to persons who are required to register with the U. S. Selective Service Systems, so as to provide that such persons may not enroll in institutions of higher learning nor be offered employment or advancement or promotion by the State of Alabama unless such persons offer proof that they have so registered, and to authorize the State Personnel Board and the institutions of higher learning to promulgate necessary rules and regulations.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Goodwin:

S. 13. To amend Section 32-5-240, Code of Alabama 1975, which relates to the use of headlights on motor vehicles, so as to provide further for such use.

By Senator Dial:

S. 38. To authorize and empower the public service commission to impose a surcharge on customers of telephone companies in the State in order to provide telephone service to persons with hearing and speech impairments.

By Senator Dial:

S. 39. To provide for the regulation of wastewater treatment utilities by the public service commission; to provide for inspection and supervision fees relating to such regulation; and to provide penalties for violations of this act.

By Senator Dial:

S. 40. To amend Section 37-1-47 of the Code of Alabama 1975, relating to Public Service Commission intervention in certain federal proceedings, so as to provide further for participation in federal proceedings by the Public Service Commission.

By Senator Dial:

S. 55. To amend Section 40-12-252, Code of Alabama 1975, relating to the annual license taxes and registration for certain trailers, so as to provide an option of five-year registration for truck trailers, tractor trailers or semi-trailers.

Senator deGraffenried, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator deGraffenried:

S. 117. To amend Section 8-6-56, Code of Alabama, 1975, to provide that the Director of the Securities Commission shall receive a salary equal to the maximum for the highest attorney classification in state service.

By Senator Covington:

S. 122. To amend Sections 11-51-90 and 11-51-93, Code of Alabama, 1975, so as to increase the fee for issuing a license from \$.50 to \$1.00 and to increase the penalty from \$100.00 to \$500.00 for engaging in a business or vocation without a license or for violating the licensing ordinance and to establish an effective date.

By Senator Smith (J):

S. 174. To designate the Huntsville Depot as the Official Railway Museum of Alabama.

Senator Holmes, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Holmes:

S. 23. To create the Alabama Family Medical Catastrophe Fund; to create the Alabama Family Medical Catastrophe Fund Board to administer

said fund; to provide for the Board's composition, powers, duty and authority; to provide for funding; to provide for income tax refund checkoff donations on state income tax forms with the funds earmarked for the Alabama Family Medical Catastrophe Fund; to provide for the creation of the Alabama Family Medical Catastrophe Fund in the state treasury; and to provide that monies in said fund shall not revert to the general fund but shall be encumbered and carried forward into each succeeding state fiscal year.

By Senator Denton:

S. 64. Providing for the licensing and regulation of persons, firms, associations and corporations engaged in the alarm systems business in this state under the regulatory authority of a board created and established by this act; authorizing the board to prescribe fees for certain licenses related to such business; prescribing penalties for enforcement and providing procedures for the administration of this act and providing initial funding from the state general fund for this act.

By Senator Holmes:

S. 107. To amend Sections 34-36-3, 34-36-4, 34-36-6 and 34-36-13 relating to electrical contractors, so as to authorize the board of electrical contractors to regulate and license certain master and journeyman electricians and to contract for an executive secretary.

RESOLUTIONS

Senator Menton offered the following Senate Resolution, to-wit:

S. R. 18. HONORING SCOTT BOLTON OF THEODORE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Which was filed.

Senator Dixon offered the following Senate Joint Resolution, to-wit:

S. J. R. 19. COMMENDING HAMP GREENE OF MONTGOMERY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama notes with highest commendation the outstanding football career of Hamp Greene, Montgomery, Alabama, as a four-year starter for the Montgomery Academy Eagles; and

WHEREAS, All-State Kicker for the past four years and All-State Running Back as a senior, Hamp Greene also set the state all-classification scoring record in 1987; and

WHEREAS, he was named 1A State Player of the Year by the Alabama Sportswriters Association, 1A-2A Player of the Year by the Alabama Journal and the Montgomery Advertiser, and High School Player of the Year by the Montgomery Quarterback Club; and

WHEREAS, among high school players countrywide, Hamp Greene placed third in the nation in both extra points kicked in a season and extra points kicked in a career, and was ranked among the top ten players nationwide in career field goals; and

WHEREAS, Hamp Greene further was instrumental in the Academy's capture of the 1987 Area 6 1A and State 1A Championships, and has greatly contributed to the Eagles' 25 victories in their last 27 games and the team's current 17-game regular season winning streak; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary achievement, we hereby commend Hamp Greene of Montgomery, Alabama, and do further direct that he receive a copy of this resolution expressing our highest regard and sincere best wishes for every future success in life.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bailey, Amari, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Resolution, to-wit:

S. R. 20. MOURNING THE DEATH OF JAMES S. RADFORD OF HARTFORD, ALABAMA.

Which was filed.

NOTICE IN WRITING

Senator Dixon offered the following Notice in Writing, to-wit:

NOTICE IN WRITING

Notice is hereby given that on the next legislative day a motion will be made to amend the Senate Rules as follows:

“RULE 41 (a) Senators shall particularly forbear personal reflections, and no Senator shall name another or make personal derogatory remarks in argument or debate.”

Which was read and ordered file with the Secretary.

RESOLUTIONS

Senator Dixon then offered the following Senate Resolution, to-wit:

S. R. 21. WELCOME C. D. ALLEN BACK TO ALABAMA.

Which was filed.

Senator Dial offered the following Senate Joint Resolution, to-wit:

S. J. R. 22. MOURNING THE DEATH OF ED YARBROUGH OF CENTRE, ALABAMA.

WHEREAS, the Alabama Senate, in consensus of deep sorrow and regret, records the death of the Honorable Ed Yarbrough of Centre, Alabama, on September 18, 1987, at the age of 63 years; and

WHEREAS, a native of Cherokee County and an economics graduate of Morningside College in Sioux City, Iowa, Mayor Yarbrough worked for a number of years with a construction firm in Central and South America, returning to Centre in the late 1960's following his marriage to the former Bess Romero of Honduras; and

WHEREAS, Ed Yarbrough, who has served in Mayoral capacity since 1980, was instrumental in numerous improvements and advances for the

City of Centre including the development of a countywide network of volunteer fire departments, the attainment of "prepared city" status, the establishment of an industrial park, the resurfacing of the majority of the city's streets, and the acquisition of a number of small businesses for the community; and

WHEREAS, Ed Yarbrough was indeed an exemplary public servant who, in dedicated leadership, sowed seeds of prosperity for the City of Centre that are of continuing benefit to all citizens thereof; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, That we grievously mourn the death of the Honorable Ed Yarbrough of Centre, Alabama, and extend deepest sympathy to his beloved wife; to their daughters, Karen and Kathryn; son, Kenneth; and to other family members, whose sorrow we share and for whom a copy of this resolution shall be provided.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 23. MOURNING THE DEATH OF THE REVEREND A. J. ROLLINGS OF ATHENS, ALABAMA.

Also:

S. R. 24. COMMENDING THE JULIAN NEWMAN ELEMENTARY SCHOOL, ATHENS, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S. R. 25. COMMENDING VERNON MARONEY, EMT BASIC AND RAPID RESPONDER OF THE YEAR.

Which were filed.

Senator Parsons offered the following Senate Resolution, to-wit:

S. R. 26. CONGRATULATING MR. ALESSIO GIZZI ON THE OCCASION OF HIS 67TH BIRTHDAY.

Which was filed.

Senator Preuitt offered the following Senate Joint Resolution, to-wit:

S. J. R. 27. CONGRATULATING THE ALABAMA SCHOOL FOR THE DEAF LADY WARRIORS ON THE TEAM'S 1987 NATIONAL CHAMPIONSHIP.

WHEREAS, the Lady Warrior volleyball team of Alabama School for the Deaf have brought great honor to their school and to the State of Alabama through national recognition, by Deaf American Magazine, as Deaf School National Champions for 1987;

WHEREAS, under Coach Billie Lewis, who initiated the program at ASD in 1976, the Lady Warriors achieved an impressive 28-9 season record in competition with deaf schools from Tennessee and Mississippi and with other AHSAA Area 8 schools as well; and

WHEREAS, Alabama School for the Deaf Volleyball Champions are All-America selections Meeka Rutland and Sandra Brashier, and Lady Warriors Mary Margaret Horton, Carolyn Cardwell, Judy Green, Tangelia Hill

and Pam Knight; Noreen Miller served as manager, and Bonnie Aaron as both manager and scorekeeper; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus of highest esteem, we hereby commend Coach Billie Lewis and the Alabama School for the Deaf Lady Warriors for outstanding achievement and do further direct that a copy of this resolution be forwarded to Athletic Director Don Hackney and that a copy also be provided for appropriate school display.

On motion of Senator Drinkard, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Preuitt then offered the following Senate Joint Resolution, to-wit:

S. J. R. 28. COMMENDING THE ALABAMA SCHOOL FOR THE DEAF SILENT WARRIORS AND COACH DEWAYNE CLARK ON THE 1987 DEAF SCHOOL NATIONAL CHAMPIONSHIP.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature notes the selection of the Alabama School for the Deaf Silent Warriors as Deaf School National Football Champions for 1987, a distinction bestowed by Deaf American Magazine in recognition of ASD's outstanding 1987 season; and

WHEREAS, the Silent Warriors, under Coach DeWayne Clark, have ranked as runner-up to the National Title in 1984, 1985 and 1986; this past season, however, the Warriors posted a perfect 9-0 regular season record against four deaf school teams and five public school teams, and was the only deaf high school football team in the nation to post an unblemished record; and

WHEREAS, ASD also won the 1987 Alabama Class 1A Area 8 Championship; placed seven players on the All-Area team; had five players to receive Honorable Mention; Deaf All-America Richard Stallworth was Player of the Year; and DeWayne Clark was honored as Area 8 Coach of the Year; and

WHEREAS, in addition to Richard Stallworth, the Silent Warriors are Carl Brown, Todd Williamson, and Robert Hall, who also achieved All-America status, and their Champion teammates Quentin Levett, Buddy Jones, Darrin Dye, Anthony Wooten, Clarence Fikes, Vincent Stewart, James Weaver, Jim Childs, Bobby Acton, Craig Lawson, Traniel Jones, Peter McDuffie, James Hillman, Fred Gardner, Jonathan Hollis, Ernest Carter, Michael George, Frankie Braswell, Barry Barksdale, Chris Appkins, Ray Iwanski, Terry Phillips, Teddy Beasley, Michael Hill, Adam Bodine, Winston Qualls, Charles Blackmon, and Danny Watson; ASD assistant coaches are Neil Cross, Sylvester James and Sidney Sharp; while Greg Isbell, Spencer Johnson, James Skinner and Tracey Royster serve as managers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach DeWayne Clark and the Alabama School for the Deaf Silent Warriors for outstanding achievement, and do further direct that a copy of this resolution be forwarded to Athletic Director Don Hackney and that a copy also be provided for appropriate school display.

On motion of Senator Preuitt, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Preuitt then offered the following Senate Joint Resolution, to-wit:

S. J. R. 29. CONGRATULATING THE ELMORE COUNTY HIGH SCHOOL PANTHERS AS OUR STATE 4A FOOTBALL CHAMPIONS FOR 1987.

WHEREAS, the Legislature of Alabama extends heartiest congratulations to the Elmore County High School Panthers on their 1987 State 4A Football Championship by virtue of a 28-7 crushing defeat of Alexandria High in the finals; and

WHEREAS, under the talented leadership and direction of Head Coach Terry Burt, who has now had three State Titles to his credit in 25 seasons at Elmore County, the '87 Panthers finished the season with an outstanding 13-2 record, winning their last six consecutive games; and

WHEREAS, the Elmore County High School Panthers, in Playoff competition and prior to the title game, downed such powerhouses as Shelby County 38-8; Alba High 14-7; Pike County 21-14; and Lanett High School 38-8; and

WHEREAS, each and every member of the team is indeed to be commended for his outstanding contributions to the Panthers' championship season, as is Coach Burt and his entire staff; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Elmore County High School as our State's 4A Football Champions for 1987, and do further direct that copies of this resolution be provided for appropriate presentation and school display.

On motion of Senator Preuitt, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Dr. David J. Rowland to the Surface Mining Commission

On motion of Senator Drinkard, the appointment of Dr. Rowland was confirmed by the Senate.

Yeas 23; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Holmes	
Bailey	Corbett	Figures	Manley	
Bedford	deGraffenried	Foshee	Preuitt	
Bedsole	Denton	Hale	Rice	
Bishop	Dial	Hand	Sanders	
Cabaniss	Dixon	Hilliard	Smith (J)	—23

Nays: —0

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following

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Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Yetta Samford to the Alabama State Docks Advisory Committee

On motion of Senator Rice, the appointment of Mr. Samford was confirmed by the Senate.

Yeas 24; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley
Amari	deGraffenried	Hale	Menton
Bailey	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Rice
Bedsole	Dixon	Holmes	Sanders
Bennett	Drinkard	Horn	Smith (J)
Cabaniss			

—24

Nays: —0

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Communication from the Superintendent of Education and ordered same returned to the Senate with a favorable report, to-wit:

Election of Mrs. Martha H. Simms to the Board of Trustees, University of Alabama

On motion of Senator Smith (J), the election of Mrs. Simms was confirmed by the Senate.

Yeas 19; Nays 0.

Yeas:

Senators:	Bishop	Dial	Manley
Amari	Cabaniss	Drinkard	Preuitt
Bailey	Campbell	Hale	Rice
Bedsole	deGraffenried	Hand	Sanders
Bennett	Denton	Holmes	Smith (J)

—19

Nays: —0

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Communication from the Superintendent of Education and ordered same returned to the Senate with a favorable report, to-wit:

Election of Mr. Cleophus Thomas, Jr., to the Board of Trustees, University of Alabama

On motion of Senators deGraffenried and Hilliard, the election of Mr. Thomas was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Senators:	Bennett	Drinkard	Manley	
Amari	Bishop	Hale	Preuitt	
Bailey	Campbell	Hand	Sanders	
Bedford	deGraffenried	Hilliard	Smith (J)	
Bedsole	Dial	Holmes		—18

Nays: —0

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Ray Warren to the Alabama Ethics Commission

On motion of Senator Drinkard, the appointment of Mr. Warren was confirmed by the Senate.

Yeas 20; Nays 0.

Yeas:

Senators:	Campbell	Hale	Manley	
Amari	Corbett	Hand	Menton	
Bailey	deGraffenried	Hilliard	Preuitt	
Bedford	Dial	Holmes	Sanders	
Bedsole	Drinkard	Horn	Smith (J)	
Bennett				—20

Nays: —0

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Ralph Gaines to the Board of Trustees, Alabama Institute for the Deaf and Blind

On motion of Senator Corbett, the appointment of Mr. Gaines was confirmed by the Senate.

Yeas 19; Nays 0.

Yeas:

Senators:	Corbett	Hale	Manley	
Amari	deGraffenried	Hand	Menton	
Bedford	Dial	Hilliard	Preuitt	
Bennett	Drinkard	Holmes	Sanders	
Campbell	Goodwin	Horn	Smith (J)	—19

Nays: —0

RESOLUTION

Senators Sanders, Horn, Figures, Hilliard, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington,

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deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Foshee, Goodwin, Hale, Hand, Holmes, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Smith (B), and Smith (J) offered the following Senate Resolution, to-wit:

S. R. 30. MOURNING THE DEATH OF HAROLD A. GAINES OF BIRMINGHAM, ALABAMA.

Which was filed.

ADJOURNMENT

At 1:09 P.M., on motion of Senator deGraffenried, in accordance with Resolution heretofore adopted, the Senate adjourned until Tuesday, February 9, 1988, at 2 o'clock P.M.

**THIRD LEGISLATIVE DAY
TUESDAY, FEBRUARY 9, 1988**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by the Reverend Cortez Frazier, Pastor, Evangel Temple, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Nia Malike Hightower, Holtville High School, Holtville, Alabama.

ROLL CALL

Present:

Senators:	Corbett	Foshee	Manley
Amari	Covington	Goodwin	Menton
Bailey	deGraffenried	Hale	Mitchem
Barron	Denton	Hand	Parsons
Bedsole	Dial	Hilliard	Preuitt
Bennett	Dixon	Holmes	Sanders
Bishop	Drinkard	Horn	Smith (B)
Cabaniss	Ellis	Langford	Smith (J)
Campbell			

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JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Bedford, Figures, and Rice for today.

COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 85-138, the annual report of the Joint Legislative Children and Youth Study Committee was filed with the Secretary.

COMMITTEE REPORT FILED

Pursuant to the provisions of Section 41-20-4, Code of Alabama 1975, the annual report of the Sunset Committee was filed with the Secretary.

**REPORT OF THE STATE JUDICIAL COMPENSATION
COMMISSION TO THE 1988 REGULAR SESSION OF THE
ALABAMA LEGISLATURE**

The State Judicial Compensation Commission hereby files its report to the 1988 Regular Session of the Legislature of the State of Alabama.

The Commission has met and considered the matter of recommending the salary to be paid from the state treasury for all judges except probate and municipal judges.

The Commission notes that the most recent salary adjustment for circuit judges and state employees was on October 1, 1984, the effective date of the last cost-of-living raise.

Accordingly, it is recommended to the legislature that the salaries of justices and judges of the appellate and district courts to be paid from the state treasury be fixed as last designated by law; and that the salaries of the circuit court judges to be paid from the state treasury be fixed as follows:

Circuit Court Judges

—\$63,750. This salary shall become effective on October 1, 1988.

In making this recommendation, the commission took into consideration the following information:

(1) The latest judicial salary information available indicates the average salary for general jurisdiction judges in the eleven southeastern states is \$64,960.

(2) While many state employees in the merit system are eligible for annual merit or step raises of up to five percent annually, judges are not eligible for any similar salary adjustments.

(3) There are currently 65 positions in the classified service of the state that provide a top salary level above the state salary of a circuit judge and some of these positions authorize entry level pay in excess of the state salary of a circuit judge. The top salary for these positions, as described in the classified pay plan is set as follows:

<u>Position Description</u>	<u>Top Annual Salary</u>	
	<u>In Pay Plan</u>	
1. Air Transfer Services Director	—	56,758
2. Air Water Quality Control Engineer	—	61,204
3. Asst. Revenue Commissioner	—	65,884

4. Attorney IV	—	65,884
5. Banking Department Superintendent	—	61,204
6. Chief Acct. Hy.	—	56,758
7. Chief Admin. Law Judge	—	65,884
8. Chief Eng. Hy.	—	65,884
9. Civil Engineer IV	—	56,758
10. Criminal Information Ctr. Director	—	61,204
11. Data Systems Mgmt. Div. Director	—	61,204
12. Dental Health Bureau Director	—	88,608
13. Dentist II	—	56,758
14. Dentist III	—	70,980
15. Deputy State Health Officer	—	102,908
16. Disabled Deter. Physician I	—	70,980
17. Disabled Deter. Physician II	—	82,316
18. Docks Admin. Officer	—	61,204
19. Docks Comptroller	—	61,204
20. Docks Engineer Mgr.	—	61,204
21. Docks Industrial Rel. Mgr.	—	61,204
22. Docks Mgr.	—	61,204
23. Docks Operations Gen. Mgr.	—	82,316
24. Docks Operations Mgr.	—	61,204
25. Docks Sales Mgr.	—	61,204
26. Docks Terminal Mgr.	—	61,204
27. DPS Adm. & Fin. Dept. Commissioner	—	61,204
28. DPS Exec. Dept. Commissioner	—	65,884
29. E.S. Administrator	—	56,758
30. Environmental & Fac. Stds. Dir.	—	61,204
31. Financial Advisor	—	61,204
32. Forensic Pathologist	—	110,968
33. Grain Elevator Mgr.	—	61,204
34. Health Services Adm. IV	—	56,758
35. Industrial Dev. Director	—	56,758
36. Leg. Ref. Analyst IV	—	65,884
37. Medicaid Med. Services Chief	—	76,440

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38. Med. Services Administrator	—	61,204
39. Public Health Laboratory Director	—	61,204
40. Public Health Physician I	—	65,884
41. Public Health Physician II	—	76,440
42. Public Health Physician III	—	88,608
43. Pathologist	—	70,980
44. Personnel Analyst IV	—	61,204
45. Port Traffic Mgr.	—	61,204
46. Civil Engineer III	—	56,758
47. Civil Engineer IV	—	61,204
48. PSC Transportation Director	—	56,758
49. Public Acct. Exec. Director	—	56,758
50. Radiological Health Director	—	56,758
51. Rate Analysis Research Director	—	56,758
52. Retirement Systems Exec. II	—	56,758
53. Revenue Research & Stat. Supv.	—	61,204
54. Revenue Admin. Success Dir.	—	65,884
55. Revenue Chief Adm. Law Judge	—	65,884
56. Revenue Operations Director	—	65,884
57. Revenue Supervisor III	—	61,204
58. St. Animal Ind. Vet.	—	65,884
59. State Budget Officer	—	61,204
60. State Comptroller	—	61,204
61. State Epidemiologist	—	61,204
62. State Purchasing Director	—	61,204
63. Tax Valuation Supervisor	—	61,204
64. U.C. Administrator	—	56,758
65. Vet. Diagnostic Spec.	—	70,980

ADOPTED by the affirmative vote of the below named five members of the State Judicial Compensation Commission on this 17th day of November, 1987.

J. CLEWIS TRUCKS,
Chairman.

BROOX G. GARRETT

CHARLES R. ADAIR, JR.

CHARLES WOODS

FINIS E. ST. JOHN, IV

Which was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Denton (With Notice and Proof):

S. 293. Relating to the practice of barbering in Lauderdale County; requiring the county wide administrative control, supervision and regulation including certain registration and licensing of the practice of barbering, teaching of barbering, barbers, barber instructors, barber students, barber apprentices, barbershops, and barber schools; creating a county barber board for such purpose; prescribing the powers and duties of said board; abolishing all current local county barber boards or commissions; repealing or superseding all laws, whether general, general of local application, special or local, which conflict with this act; providing for a barbering commission and appointments thereto; providing for duties and powers of the commission; and providing for exceptions.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 293, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bishop:

S. 294. To make an appropriation for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1989.

Committee on Finance and Taxation.

By Senator deGraffenried:

S. 295. To amend Sections 10-2A-70.1 and 10-2A-70.2, Code of Alabama 1975, which relate to giving aid or contributions to a political party or candidate; so as to allow corporations which own, control or operate a railroad to make certain political contributions.

Committee on State Development
and Tourism.

By Senators deGraffenried and Bedsole:

S. 296. To amend sections 36-32-1, 36-32-2 and 36-32-3, Code of Alabama 1975, which provide for the Fire Fighters' Standards and Education Commission, so as to further define certain terms, reestablish the State Fire College at Shelton State Community College, provide for the administration of the State Fire College, provide further for the appropriations to the State Fire College, and repeal sections 16-59-1 through 16-59-4, Code of Alabama 1975, which relate to the State Fire College.

Committee on Governmental Affairs.

By Senator Manley:

S. 297. To amend Section 38-9-9 and repeal Section 38-9-11 of the Code of Alabama 1975, relating to immunity from civil or criminal liability

of reporters in matters of protection of aged or disabled adults, so as to provide further for such immunity.

Committee on Judiciary.

By Senator Manley:

S. 298. To authorize the legislative council to employ legal counsel in certain instances and to provide for the manner of compensating said legal counsel.

Committee on Judiciary.

By Senator Dixon:

S. 299. To reopen the employees' retirement service for certain members of the employees' retirement system and amends Section 36-27-11, Code of Alabama 1975, as last amended, relating to the procedures of reopening the period for creditable service and the manner therefor; and to provide an effective date.

Committee on Finance and Taxation.

By Senators Preuitt and Dixon:

S. 300. To require municipal corporations or any political subdivision of the State of Alabama to provide defense and indemnity for employees who may be sued for damages arising out of the performance of their official duties and while in the course of their employment, and to authorize the obtaining of liability insurance to cover such employees.

Committee on Judiciary.

By Senator Dixon:

S. 301. To reopen the employees' retirement system for purchase of military service credit for certain members on leave of absence without pay.

Committee on Finance and Taxation.

By Senators Preuitt, Mitchem, Holmes, Denton, Rice, Menton, Barron, Cabaniss, Foshee, Smith (J), Manley, Hand, Bailey, Dixon, Covington, Dial, Hale, Bedsole, Drinkard, Bishop, Goodwin, and Campbell:

S. 302. Relating to implied warranties which apply to the sale of new residential real estate and the waiver and relinquishment of such in certain situations; to provide the intent of the legislature regarding this Act; to provide that a purchaser of new residential real property, which shall include the sale and purchase of any improvements on such real property, shall have the right and ability to agree and state in writing that such transaction shall not be subject to any implied warranties, including any implied warranty of fitness and habitability; to provide language which will be legally sufficient to express the intention that such transaction will not be subject to any implied warranties, including the implied warranty of fitness and habitability; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

Committee on Judiciary.

By Senators Preuitt and Dixon:

S. 303. To amend Rule 4 and Rule 5 of the Rules of Criminal Procedure of the Rules of Alabama Supreme Court relating to diagnostic evaluation and mental health examination and disclosure of the presentence, diagnostic and mental health reports; so as to provide for alcohol and drug abuse examinations and reporting.

Committee on Judiciary.

By Senators Langford, Manley, and Horn:

S. 304. To authorize and provide the procedure for employees of certain counties, cities and towns and members of the legislature to be covered under the state employees' health insurance plan; to provide for the payment of the premiums for employees and their dependents and members of the legislature and their dependents; to provide for the termination of coverage under this act; and to require the state employees' insurance board to promulgate rules and regulations as may be required for the effective administration of the provisions of this act.

Committee on Finance and Taxation.

By Senator Bishop:

S. 305. To make an appropriation from the State General Fund to the Beacon House-Jasper for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance and Taxation.

By Senator Covington:

S. 306. Relating to the further regulation of liquefied petroleum gas and the powers, duties and authority of the Liquefied Petroleum Gas Board; to amend Sections 9-17-100, 9-17-101, 9-17-102, 9-17-104, 9-17-105, 9-17-106, 9-17-107, 9-17-108 and 9-17-109 of the Code of Alabama 1975, as amended; and to provide for administrative remedies with rights to appeal for correcting noncompliance with law and with regulations of the Liquefied Petroleum Gas Board.

Committee on Natural Resources.

By Senator Covington:

S. 307. To amend Section 32-5A-7, Code of Alabama 1975, in that the section shall not apply to any publicly owned police vehicle operated by or under the direction of a police officer in the surveillance, apprehension, or attempted apprehension of persons charged or suspected of violating any law when in the officer's best judgement a silent and inconspicuous approach would be in the best interest of the officer and public safety.

Committee on Judiciary.

By Senator Foshee:

S. 308. To amend Section 6-5-481, Code of Alabama 1975, relating to definitions of terms used in the Alabama Medical Liability Act so as to include "chiropractor" within the definition of the term "Other Health Care Providers."

Committee on Judiciary.

By Senators Bedsole and Hale:

S. 309. Proposing an amendment to the Constitution of 1901, relating to the promotion of forestry and fire protection on forest property within this state; providing funds for the administration of such forestry program hereby enacted on a state-wide basis; providing for the levying, collecting, and distribution of charges, fees or assessments for costs; allowing certain local laws heretofore enacted providing for similar local forest fire protection and assessment programs to be repealed, replaced or superseded; all depending upon ratification by the voters of this amendment.

Committee on Agriculture,
Conservation, and Forestry.

The above Bill was read a first time at length as required by the Constitution.

By Senators Bedsole and Hale:

S. 310. To levy an assessment on forest lands for forest fire protection and prevention and to provide for penalties for violations.

Committee on Agriculture,
Conservation, and Forestry.

By Senators Bedsole and Dixon:

S. 311. To amend Sections 30-5-2 through 30-5-10, Code of Alabama 1975, which provides for the "Protection from Abuse Act," so as to provide further for the definitions and protective orders for the purposes of preventing domestic abuse; provides for court jurisdiction and venue; provides for court hearings for petitions for relief; provides for the contents and the issuance of protective orders; and provides penalties for violations of protective orders.

Committee on Judiciary.

By Senators Bedsole and Dixon:

S. 312. To provide that any law enforcement officer acting in good faith and exercising due care in the making of an arrest pursuant to a domestic relations disturbance shall be immune from any civil liability.

Committee on Judiciary.

By Senators Bedsole and Dixon:

S. 313. To amend Section 15-10-3, Code of Alabama 1975, which provides the circumstances under which a law enforcement officer may arrest without a warrant, so as to provide that a law enforcement officer may arrest without a warrant in certain domestic abuse cases and when an officer has reasonable grounds to believe that a warrant for the person's arrest has been issued in this state.

Committee on Judiciary.

By Senator Menton:

S. 314. To authorize the Bureau of Vital Statistics to collect certain statistical data relating to the termination of pregnancies at any stage without identifying the patient by name; to require certain facilities and physicians to report the required data; and to provide for penalties.

Committee on Health.

By Senator Smith (J) (With Notice and Proof):

S. 315. Relating to Madison County; providing for county supplement paid to court reporters in the Twenty-third Judicial Circuit to be on a percentage of compensation paid by the State of Alabama to court reporters payable from the county treasury.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 315, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Holmes:

S. 316. To declare that all conveyances and vehicles of transportation, including trailers and semi-trailers, horses, or any other equipment, together with all harness or other accessories used in the perpetration of livestock theft, be contraband and forfeited to the State Department of Agriculture and Industries; to allow Livestock Theft Investigators and other officers to seize property used in the perpetration of livestock theft and report said seizure to the District Attorney; to require that the District Attorney institute condemnation proceedings against property in the same manner as condemnation proceedings against property used to transport illegal alcoholic beverages; to require that the proceeds from the sale of such property be paid into the state agricultural fund; to allow lienholders with a perfected security interest under the Uniform Commercial Code to recover the property after payment of expenses.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Mitchem:

S. 317. To designate the official state championship horse show of Alabama.

Committee on Finance and Taxation.

By Senator Mitchem:

S. 318. Relating to Title IV-D child support collections; to provide that the department of human resources or its designee shall be responsible for child support collections or collection services pursuant to Title IV-D of the Social Security Act; to provide that the courts shall order that such support shall be paid to the department of human resources or its designee and that the courts are authorized to issue blanket orders redirecting support payments ordered prior to the effective date of this act; and to provide that the department and the administrative office of courts shall promulgate procedures so that this act shall be operational and implemented on October 1, 1988.

Committee on Finance and Taxation.

By Senators Smith (B), Horn, Barron, Hilliard, and Langford:

S. 319. To make an appropriation to Oakwood College in Huntsville, Alabama, from the Alabama Special Educational Trust Fund for the restoration of East Hall/Oakwood Sanitarium.

Committee on Finance and Taxation.

By Senator Ellis:

S. 320. To propose an amendment to the Constitution to provide that no bond, warrant or any other obligation of any county shall be considered a bond for the purposes of Section 222 of the Constitution of Alabama of 1901, as amended, nor shall any bond, warrant or any other obligation of any county be included in the indebtedness of such county within the meaning of any provision of Section 224 of the Constitution of Alabama of 1901, as amended, if any such bond, warrant or other obligation is issued to provide, improve or repair any public facilities or improvements (including, without limitation, roads, streets, sidewalks, sanitary sewers, storm water sewers, sewage treatment facilities, flood control facilities, seawalls, and lighting systems) specially benefiting, to any degree, one or more tracts or parcels of property if the cost of such public facilities or improvements is to be assessed, in whole or in part, against such property.

Committee on Governmental Affairs.

The above Bill was read a first time at length as required by the Constitution.

By Senator Ellis:

S. 321. Proposing a constitutional amendment to the Constitution of Alabama of 1901, as amended, to prohibit any municipal or county tax authority from levying or collecting any taxes based on income or occupation on nonresidents; setting ratification procedure.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Senator Ellis (With Notice and Proof):

S. 322. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Wilton, in Shelby County.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 322, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Ellis:

S. 323. To repeal Section 9-11-49.1 Code of Alabama 1975 which authorizes the commissioner of the department of conservation and natural resources, with consent of the conservation advisory board, to set bag limits, lengths of seasons and license fees for nonresidents of states which have entered into a reciprocal agreement with the state of Alabama.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Ellis:

S. 324. Proposing a constitutional amendment to the Constitution of Alabama of 1901, as amended, to prohibit any municipal or county tax

authority from levying or collecting any taxes based on salaries on nonresidents; setting ratification procedure.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Senator Ellis:

S. 325. To amend Section 9-11-47, Code of Alabama 1975, relating to nonresident "all game hunt license" to raise the fee for said license from \$175.00 to \$200.00.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Ellis:

S. 326. To amend section 15-22-31, Code of Alabama 1975, which provides for the retaking of parolees, with or without arrest warrants, so as to increase the number of days a parolee may be held awaiting the arrival of a warrant.

Committee on Judiciary.

By Senator Ellis:

S. 327. To provide a comprehensive system of law applicable to all counties in this state defining the powers of any such counties to construct improvements or reimprovements consisting of streets or any portions thereof, sanitary sewers and sewer systems and water and gas mains and service connections, drainage improvements or drainage systems and the filling in of swamps or inundated or overflowed or submerged lands, ornamental lighting systems or white way systems of lighting and the construction, acquisition, improvement and extension of seawalls, dikes, levees and embankments in such counties; to provide a method for the assessment of the cost of any such improvement against the property abutting on, or drained, served, or benefited by such improvement; to require the adoption of a resolution describing the improvement and the property abutting on, or the area to be drained, served or benefited by such improvement; to require the filing of plans and specifications for such improvement; to provide for publication and mailing of notice of the adoption of the said resolution; to provide for a public hearing on such improvement; to provide for payment of the cost of the improvement; to provide for the establishment of the grade of certain streets, avenues, alleys or sidewalks to be improved; to provide for public advertisement for bids for the construction of the improvement unless the county shall perform the work or provide materials from its own resources; to provide that the county commission must accept or reject work on the part of the county; to provide for supervision of the work; to provide for the levy of assessments on the property abutting on or drained, served or benefited by any improvement; to provide for the assessment against lands purchased by the state; to provide the manner of assessments generally; to provide for improvements of intersections of streets, avenues or other highways; to provide for sidewalk improvements; to provide for the preparation of a list of owners and parcels to be assessed, and publication of notice of such list; to provide for the entry of the list in an assessment book for local improvements; to provide for the delivery of the assessment book to the county clerk and the publication of notice as to delivery and inspection of

such book; to provide for notice of hearing of objections; to provide for the contents of the notice as to the hearing on assessments for improvements; to provide for any defects or errors therein; to provide for the filing of written objections to assessments by property owners; to provide for a hearing on the proposed assessments and making the same final; to provide for the powers of the commission as to the subpoena of witnesses; to provide for the establishment of a lien on the property subject to the assessments and for the priority thereof; to provide for the reduction or abatement of certain assessment; to provide for procedures with respect to erroneous assessments and assessments in excess of benefits derived; to authorize the transfer and assignment of such liens, and for the enforcement thereof; to specify other provisions with respect to such liens; to provide for the effect of enforcement of tax liens upon property subject to assessment liens and the duration of assessment liens; to provide for the effect of sale of property for enforcement of an assessment lien upon other assessment liens upon the same property; to provide a system for appeals from the making of such final assessment; to provide for bond on appeal; to provide for entry on trial docket of appeal; to provide for the transcript for appeal; to provide for prima facie evidence on appeal; to provide for the conduct of appeal, right of jury trial and the entry of judgment and assessment of costs generally; to provide for the conduct of appeal, right of jury trial and the entry of judgment and assessment of costs generally; to provide for the entry of judgment for amounts properly chargeable against lands where the assessment is defective; to provide for appeals from the judgment of the circuit court; to provide for the addition of interest and damages upon affirmance of judgment for the county; to provide that the county may appeal from any judgments of the circuit court without giving bond; to provide for the issuance of execution and order of sale upon entry of final judgment in favor of the county; to provide a system for payment of all such assessments and for default in such payments; to provide for proceedings for sale of land upon failure of owner to pay assessment; to provide for the payment of assessments prior to sale; to provide that the costs of notice and sale are to be charged against the land; to provide for the execution of a deed to the purchaser at such sale; to provide for the effect of error and defect of notice of sale; to provide for the redemption of property after sale generally; to provide for the extension of the redemption period; to provide for the application for filing of certificate of warning to redeem upon the record of local improvement assessment sale deed; to provide for the mailing of copies of deed and certificate to persons last assessed upon property described in deed by probate judge; to provide for the redemption of property during extended redemption period; to provide for the performance of duties of the probate judge; to provide for the redemption of property; to provide for the making of temporary loans or issuance of bonds before or during progress of work to pay for cost of improvement; to provide for the issuance of bonds after completion of work; to provide for the applicability of provisions of law as to issuance of county bonds generally; to provide for the issuance of bonds generally; to provide for the maturity and payments of such bonds; to provide for the disposition of proceeds from the sale of bonds; to provide for the grouping of improvements for the issuance of bonds; to provide for the maintenance and disposition of sinking fund accounts for bond issues; to provide for the bond of the officer charged with the collection of assessments; to provide for the redemption of bonds; to provide for the refunding of excess assessments; to provide a limitation period for presentation of claims and disposition of amounts not refunded; to provide for the settlement, adjustment or refunding of bonds; to provide for the consolidation of separate outstanding issues or issuance of refunding bonds; to provide for the maintenance and disposition of sinking fund

accounts for refunding bond issues; to grant to any county the right of eminent domain with respect to improvements; to provide that this Act shall not affect the powers of counties to compel property owners to repair sidewalks; to provide for apportionment of assessments against property for public improvements among joint owners thereof; to provide for a petition of a tenant in common for division of an assessment among joint owners of property; to provide for a division of assessment among the tenants in common; to provide for a notice to property owners of division of assessment; to provide for appeals from division of assessment; to provide for correction of description of ownership of property and reduction of an assessment; to provide for the effect of reduction upon an assessment lien; to provide for the effect of annexation and incorporation of an area in which assessments have been made; to amend Section 11-28-3, Code of Alabama 1975, as amended, relating to the issuance of warrants by counties so as to provide for the pledge of assessments for the benefit of such warrants; to provide for severability of the provisions of this Act and for the repeal of inconsistent laws; and to establish the effective date of this Act.

Committee on Governmental Affairs.

By Senators Menton and Denton:

S. 328. To propose a constitutional amendment to Amendment 81 of the Constitution of Alabama of 1901, relating to the holding of courts of record and the establishment and abolition of branch courthouses and divisions of circuit court, so as to provide that habeas corpus and coram nobis proceedings in circuit court may be held at any correctional institution operated under the direction and control of the State Department of Corrections wherein the person seeking the writ is confined; to provide for security during such proceedings; to delete those provisions of Amendment 81 that are in conflict with Amendment 328 to the Constitution of Alabama of 1901, as amended, and to provide for an election on the proposed amendment and notice thereof.

Committee on Judiciary.

The above Bill was read a first time at length as required by the Constitution.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 4. MOURNING THE DEATH OF JONNIE DEE RILEY LITTLE OF AUBURN, ALABAMA.

Also:

S. J. R. 6. MOURNING THE DEATH OF PASCHAL PATRICK VACCA OF TARRANT, ALABAMA.

Also:

S. J. R. 12. DESIGNATING THE MONTH OF FEBRUARY, 1988 AS "EGG MONTH."

Also:

S. J. R. 13. COMMENDING OAK PARK MIDDLE SCHOOL ON ITS SELECTION BY THE PRESIDENT'S COUNCIL ON PHYSICAL FITNESS AND SPORTS AS A PHYSICAL FITNESS DEMONSTRATION CENTER.

BILL DRINKARD,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

I N M E M O R I A M

PASCHAL PATRICK VACCA

1901 — 1987

HOUSE OF REPRESENTATIVES 1959 — 1966

SENATE 1967 — 1983

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Johnson (RW):

H. J. R. 71. NAMING THE NEW PARK IN THE HOLT COMMUNITY, TUSCALOOSA COUNTY, ALABAMA, THE "EVANS-ROSHELL PARK."

Also:

By Reps. Hall, Hettinger, Butler, Grayson, and Freeman:

H. J. R. 72. COMMENDING JOHN DAVID SNODGRASS FOR DISTINGUISHED SERVICE TO THE MADISON COUNTY COURT SYSTEM.

Also:

By Reps. Buskey (JL), Holmes, Buskey (JE), Thomas, Clark (W), Reed, Black, and Bryant:

H. J. R. 78. COMMENDING ALABAMA NATIVE, EUGENE SAWYER, JR., OF CHICAGO, ILLINOIS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 71 and 72, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Senator Corbett, the Rules were suspended and the Resolution, H. J. R. 78, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Turnham:

H. J. R. 63. COMMENDING AUBURN UNIVERSITY, 1987 SOUTHEASTERN CONFERENCE FOOTBALL CHAMPIONS.

Also:

By Rep. Gaston:

H. J. R. 64. COMMENDING ANITA JOHNSON OF MOBILE, ALABAMA, FOR OUTSTANDING PROFESSIONAL AND COMMUNITY SERVICE.

Also:

By Reps. Gaston, Kvalheim, Clark (W), Marietta, Box, Zoghby, Buskey (JE), Kennedy, Turner, and Harper:

H. J. R. 65. COMMENDING ROSE YOUNG FOR OUTSTANDING SERVICE TO MOBILE COUNTY, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 63, 64, and 65, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. White (L):

H. J. R. 58. COMMENDING R. WAYNE THOMPSON OF DADEVILLE, ALABAMA, ON HIS DISTINGUISHED CAREER.

Also:

By Reps. Hamilton and Starkey:

H. J. R. 59. COMMENDING THE REVEREND JAMES H. HOLLAND, PASTOR OF CENTER STAR UNITED METHODIST CHURCH.

Also:

By Rep. Faulk:

H. J. R. 61. COMMENDING THE GREENVILLE HIGH SCHOOL TIGERS, ALABAMA'S 1987 5A FOOTBALL CHAMPIONS.

Also:

By Rep. Faulk:

H. J. R. 62. COMMENDING ERICKA DAY MCDONALD OF GREENVILLE, ALABAMA'S JUNIOR MISS FOR 1988.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 58, 59, 61, and 62, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Moon:

H. J. R. 67. MOURNING THE DEATH OF MARGARET ANN BEVILL BLACKWELL OF WAKEFIELD, MARSHALL COUNTY, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 67, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Carothers and Johnson (RG):

H. J. R. 66. CREATING A LEGISLATIVE COMMISSION ON A.I.D.S.

WHEREAS, the Acquired Immune Deficiency Syndrome (AIDS) problem has become an important and critical issue in this state and all across the nation; and

WHEREAS, every citizen, health care provider and other affected persons of this state and nation deserve to have the most effective plan to face the AIDS crisis; and

WHEREAS, the obligation to best prepare all Alabama citizens to face this crisis is the responsibility of both the private and public sector; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there shall be a special Legislative Advisory Commission on AIDS appointed to assist the Legislature in evaluating legislation proposed to prepare this state to deal and face the AIDS crisis, including ways of informing, testing, educating and notifying all citizens of this state; to explore methods of financing the health care and related needs of individuals which become indigent as a result of AIDS and, to make recommendations to the State Legislature to be used as guidelines for passage and implementation of applicable legislation.

BE IT FURTHER RESOLVED; That the Legislative Advisory Commission on AIDS shall consist of the following:

1. Two persons shall be appointed by the Alabama Hospital Association;
2. Two persons shall be appointed by the Medical Association of the State of Alabama;
3. Two persons shall be appointed by the Governor of the State of Alabama;
4. One person shall be appointed by the Lieutenant Governor of the State of Alabama;

5. One person shall be appointed by the Speaker of the House of Representatives;

6. One person shall be appointed by the Alabama Nursing Home Association;

7. Public Health Officer of the State of Alabama or his designee shall serve ex-officio with vote.

The election of the Chairman shall be the first order of business of the organizational meeting, and all appointments shall be made no later than Monday, February 22, 1988.

An organizational meeting of the Commission shall be held in Montgomery, Alabama, no later than Monday, February 29, 1988, with all future meetings of the Commission being held at such time and place as set by resolution of the Commission members. A majority of the members of the Commission shall constitute a quorum.

The Legislative Advisory Commission on AIDS shall be continuous with its efforts to advise the Legislature with regard to this state's efforts in dealing with the AIDS crisis.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 66, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

H. J. R. 75. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, February 9, 1988, that we adjourn to meet again on Thursday, February 11, 1988, that when we adjourn on Thursday, February 11, 1988, that we adjourn to meet again on Wednesday, February 17, 1988; and that when we adjourn on Wednesday, February 17, 1988; that we adjourn to meet again on Thursday, February 18, 1988.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 75, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Adams:

H. 99. To amend Act No. 87-554 enacted at the 1987 Regular Session of the Legislature of Alabama so as to insert in Subsection (1)b1(viii) thereof the appropriate reference to Act No. 87-550.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 99—to the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell (With Notice and Proof):

H. 67. Relating to the City of Anniston in Calhoun County; amending Act No. 404, S. 430, 1953 Regular Session, as amended, which establishes the council-manager form of government, so as to provide further for the compensation of the members of the city council.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 67, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Blake (With Notice and Proof):

H. 126. Relating to St. Clair County; to provide for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 126, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 67 and 126—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Starkey, Goodwin, and Hamilton (With Notice and Proof):

H. 160. Relating to Lauderdale County; providing for the reidentification of registered voters in such county; prescribing the procedure for the reidentification of registered voters; providing a penalty for willfully making a false statement in connection with reidentification; exempting certain registered voters from the provisions of this act and repealing Act No. 87-258 of the 1987 Regular Session.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 160, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 160—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Fuller and Laird (With Notice and Proof):

H. 314. To authorize the Chambers County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 314, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Fuller and Laird (With Notice and Proof):

H. 315. Relating to Chambers County; to further provide for the per diem of members of the County Board of Equalization and to repeal Act 338 of the 1969 Regular Session as amended.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 315, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 314 and 315—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Fuller and Laird (With Notice and Proof):

H. 316. Relating to Chambers County; providing further for the compensation of members of the board of registrars and repealing Act No. 473, H. 302, 1973 Regular Session.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 316, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 316—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Blake (With Notice and Proof):

H. 127. Relating to St. Clair County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes.

under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; abolishing the offices of tax assessor and tax collector; repealing conflicting laws; and providing for a referendum thereon.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 127, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also

By Rep. White (L) (With Notice and Proof):

H. 142. Relating to Tallapoosa County; replacing the probate judge as chairman of the county commission and providing for each member of the county commission to serve as chairman on a rotational basis.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 142, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 127 and 142—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Newman (With Notice and Proof):

H. 47. Relating to the judge of probate in Fayette County and the total compensation of such judge beginning with the next term of office; providing for the total expense allowance for such judge of probate; providing such compensation and expense allowances shall be payable from the county treasury; and repealing existing laws in conflict with the provisions of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 47, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Newman (With Notice and Proof):

H. 48. Relating to Lamar County; providing further for the compensation of the probate judge upon the expiration of the present term of office.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 48, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 47 and 48—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. White (L) (With Notice and Proof):

H. 143. Relating to Tallapoosa County; providing for an advisory referendum on the question of whether the members of the county commission shall serve on a full-time or part-time basis commencing with their next terms of office.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 143, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. White (L) (With Notice and Proof):

H. 144. Relating to Tallapoosa County; requiring the county commission to offer for public auction to the highest bidder for cash surplus county property; providing that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Tallapoosa County; providing that the first publication of said notice shall be 20 days before the said auction; providing a procedure for the conduct of said auction; and providing that all proceeds from the sale of said property shall be paid into the general fund of the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 144, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 143 and 144—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hogan (With Notice and Proof):

H. 174. Relating to Walker County; amending section 1 of Act No. 80-289, H. 655, 1980 Regular Session (Acts 1980, p. 404) relating to an additional allowance for election officials who work at polling places so as to increase the additional allowance.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 174, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Hogan (With Notice and Proof):

H. 176. Relating to Walker County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 176, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 174 and 176—to the Committee on Local Legislation No. 1

REPORTS OF COMMITTEES

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable

report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Goodwin and Bennett:

S. 6. To prohibit any person who first votes in the primary election of one party from crossing-over and voting in the subsequent run-off or primary election of another party; to prescribe the manner of handling and maintaining ballots in a primary election in order to enforce the prohibition on cross-over voting; to prescribe misdemeanor penalties for violations of this act; to preserve the rights of the political party to determine qualifications for membership.

By Senator Goodwin:

S. 12. To amend section 36-33-2, Code of Alabama 1975, which provides for security officers for certain members of the executive branch, so as to remove executive security officers exemption from minimum standards.

By Senator Goodwin:

S. 15. To further amend Sections 41-9-800 and 41-9-801, Code of Alabama 1975, relating to the Cahaba Trade Commission, so as to increase the membership and to provide terms of office for the members in Autauga County.

By Senator Ellis:

S. 26. To amend Section 41-8-2, Code of Alabama 1975, relating to the board of the Alabama public library service, so as to increase the membership of the said board and to require that each congressional district be represented; to provide for filling vacancies and residential requirements.

By Senators Bedsole and Langford:

S. 68. To amend Section 11-81-21 of the Code of Alabama 1975, to add thereto other securities in which municipal or county funds not presently needed for other purposes may be invested.

By Senators Langford and Bedsole:

S. 69. To propose and provide for the submission of an amendment to the Constitution of 1901, as amended; providing that no law whose purpose or effect is to provide for a new or increased expenditure of municipal funds held or disbursed by the municipal governing body shall become effective as to any municipality of this state until the first day of the fiscal year next following the passage of such law unless such law is approved by a resolution duly adopted by and spread upon the minutes of the municipal governing body of the municipality affected thereby, or such law (or other law or laws which specifically refer to such law) provides the respective municipal governing bodies with new or additional revenues sufficient to fund such new or increased expenditures; providing for an election thereon; and prescribing an effective date for the proposed amendment.

The above Bill was read a second time at length as required by the Constitution.

By Senators Campbell, Hale, Covington, and Manley:

S. 105. To amend Section 11-52-3, Code of Alabama, 1975, to permit the mayor to appoint a person to sit on the municipal planning commission in his stead and to provide for a term for such person.

By Senators Langford, Hale, Manley, and Ellis:

S. 121. To amend Sections 41-16-54 and 41-16-55, Code of Alabama, 1975, as amended by changing the figure "2,000.00" wherever same appears to the figure "3,000.00" to conform to Section 41-16-50 Code of Alabama, 1975, as heretofore amended.

By Senators Manley, Preuitt, Bailey, and Bennett:

S. 126. To amend Section 17-10-13, Code of Alabama 1975, relating to the appointment of absentee election manager so as to provide that only Circuit Clerks or Registers who are candidates with opposition shall be disqualified from serving as absentee election manager; to provide that any Circuit Clerk or Register who is disqualified or unwilling to serve as absentee election manager notify the presiding circuit judge not less than 55 days prior to the election; and to further amend Section 17-10-14, Code of Alabama 1975, to provide for the compensation a person serving as absentee election manager is entitled to receive for such services.

By Senator Manley:

S. 128. To propose a law to authorize two or more incorporated municipalities to establish self-funded insurance funds for the purpose of providing liability protection for the member municipalities.

By Senators Manley, Goodwin, deGraffenried, Drinkard, Holmes, Dial, Foshee, Bennett, Bailey, Horn, Rice, Preuitt, Barron, Cabaniss, Hale, Menton, Denton, Smith (J), and Parsons:

S. 134. To authorize the governing body of any county or municipality, or any county and municipality or municipalities to establish historic preservation commissions and architectural review boards in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage in the state, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties, and appointments to such commissions and boards; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing bodies; to provide for the reimbursement of expenses of members, the rules of procedures for operations, and notice of meetings; to provide that each commission shall constitute a nonprofit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto; to provide for appeals and other judicial processes; to preserve certain existing historic development commissions or architectural review boards; to authorize these to be certified with local government status or to assume the powers of this act pursuant to proper ordinance; to provide for exceptions to certain highways, roads, streets or bridges, including the properties utilized in connection therewith, and to provide for exceptions to certain highways, roads, streets or bridges; and to provide that the provisions of this act are cumulative.

By Senator Denton:

S. 146. To amend Section 36-21-7, Code of Alabama, 1975, by adding thereto fire protection personnel and firefighters; to extend the time in which to recover training expenses to twenty-four months; and to define terms.

By Senators Denton, Manley, Ellis, Preuitt, Rice, Dixon, Bennett, Covington, Goodwin, Menton, and Campbell:

S. 205. To amend Sections 22-27-3 and 22-27-6, Code of Alabama 1975, which relate to the authority of local governing bodies as to methods of waste collections and disposal, and the time for local government compliance with the solid waste laws so as to provide further for the methods of waste collection and disposal facilities for solid wastes; to grant to the several county commissions and municipalities the power and authority by resolution or ordinance to adopt rules and regulations requiring mandatory public participation in solid waste collection and disposal programs; providing that failure to comply with the provisions of the article by the owner of solid waste generating property shall constitute a public nuisance and providing for the assessment for the cost of such collection and disposal against such solid waste generating property; to provide for the collection of such assessments; to provide that the amounts of such assessments shall be a lien on the property against which they are assessed and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary county taxes; and to amend Section 22-27-7, Code of Alabama 1975, which relates to penalties for violation of the provisions of the article so as to further provide for such penalties.

Senator deGraffenried, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator deGraffenried:

S. 253. To provide that a retired state policeman may accept employment with a city or county agency and continue to receive his retirement benefits but shall not receive additional retirement benefits for his new employment even though he contributes to the retirement systems; provided further, however, that upon termination of employment with the county or city agency, the employee shall receive the principal amount paid by him into the retirement system less any interest earned on the principal amount.

RESOLUTIONS

Senator Covington offered the following Senate Joint Resolution, to-wit:

S. J. R. 31. CONGRATULATING TROY STATE UNIVERSITY ON THE 1987 NCAA DIVISION II NATIONAL FOOTBALL CHAMPIONSHIP.

WHEREAS, the Alabama Legislature extends heartiest congratulations to the Troy State University Trojans and coaches on the 1987 NCAA Division II National Football Championship, December 12, 1987, by virtue of a decisive victory over Portland State University; and

WHEREAS, with both teams evenly matched, 11-1-1 going into the finals, the Trojans rallied from a 10-3 halftime deficit to score on their first three possessions in the second half, winding up 31-17 over the vanquished Vikings from Oregon; and

WHEREAS, Troy State University has indeed enjoyed a remarkable record over the past four years, travelling to NCAA competition in 1984

which culminated in the national title; in 1986, when they made it to the semi-finals; and, in 1987, acclaim for the Trojans once again as the number one NCAA Division II team in the nation; and

WHEREAS, not only has Troy State University greatly contributed to Alabama's illustrious sports history with two national football titles in four years, but also by posting for the records an unheard-of two national championships in just one year—their 1987 football crown and the NCAA Division II Baseball Championship on May 26, 1987; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest commendation and praise, we hereby most heartily congratulate Head Coach Rick Rhoades and his staff, and the Troy State Trojan Champions who have brought great fame and honor to the State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the TSU Champions and their coaches, Troy State Chancellor Ralph W. Adams; and to Athletic Director Robert Stewart that they may know of our deep pride in the athletic accomplishments of this outstanding state university.

On motion of Senator Covington, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Covington then offered the following Senate Joint Resolution, to-wit:

S. J. R. 32. HONORING RICK RHOADES, HEAD COACH AT TROY STATE UNIVERSITY SINCE 1985.

WHEREAS, Rick Rhoades of Troy State University has completed his third season as TSU head coach and has posted a 28-7-1 record, including last year's 12-1-1 season; Troy was 6-4 in his first season, 1985, 10-2 and a Division II semi-finalist in 1986, and National Champion in 1987; and

WHEREAS, Coach Rhoades was defensive coordinator at TSU in 1984, when the Trojans won their first NCAA Division II National Title, and for the past two seasons, with Rick Rhoades in the head coaching position, TSU has won the Gulf South Conference Title with a GSC "win" streak of 18 games; and

WHEREAS, the Trojans current streak of 12 wins under Coach Rhoades equals that of Miami, the 1987 Division I-A National Champion, as the longest in the nation among NCAA schools; and

WHEREAS, Rick Rhoades is indeed one of our nation's most outstanding coaches as reflected by his selection as Kodak's 1987 Division II "Coach of the Year" in a ballot conducted by members of the American Football Coaches' Association; and

WHEREAS, a native of Indiana, Rick Rhoades was an outstanding prep athlete at Broomfield High School, Broomfield, Colorado, and at Central Missouri State University where he earned three varsity letters in football and two in baseball while completing his undergraduate degree; and

WHEREAS, Rick Rhoades has coached on the junior high and high school levels in Montgomery, Mountain Brook, Mobile and Andalusia, and, in addition to Troy State, at the University of North Alabama where the Lions established a number of school and league records; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Coach Rick Rhoades of Troy State University on his distinguished career, and direct that he receive a copy of this resolution of highest commendation and esteem.

On motion of Senator Covington, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Covington then offered the following Senate Joint Resolution, to-wit:

S. J. R. 33. COMMENDING MIKE TURK OF TROY STATE UNIVERSITY ON HIS OUTSTANDING COLLEGIATE FOOTBALL CAREER.

WHEREAS, Mike Turk of Troy State University, a Montgomery native and a graduate of that city's Jefferson Davis High School, joined Troy State University's football program as a "walk-on" quarterback in 1984, piloting the Trojans to the National NCAA Division II Championship his freshman year; and

WHEREAS, during Mike Turk's four years as a starter for TSU, the Trojans posted a composite record of 40-8-1, and won Gulf South Conference Championships in 1984, 1986 and 1987; they have a win streak of 18 against Gulf South Conference teams and their current streak of 12 games equals that of Division 1-A Miami National Champions as the longest among NCAA schools; and

WHEREAS, Mike Turk, in completing his collegiate career at TSU in 1987, again led the Trojans to a second National Title in four years, setting a championship game record with 190 yards in 25 carries and closing out his career with a game-sealing 51-yard touchdown run with just over a minute to play; and

WHEREAS, during four years in regular season play, Mike Turk scored 24 touchdowns rushing and 27 passing; he averaged five yards per carry and completed 205 of 412 attempts for a total of 3,513 yards; and

WHEREAS, in play-off years, 1984, 1986 and 1987, this outstanding quarterback averaged 6.6 yards per carry for four touchdowns and completed 17 of 43 for 231 yards and one touchdown; and

WHEREAS, in recognition of such extraordinary achievement, Mike Turk has received numerous honors and accolades including Freshman of the Year, First Team All-GSC Quarterback and GSC Offensive Player of the Year on three occasions, and Kodak First Team All-America for 1987; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mike Turk of Troy State University for outstanding achievement, and do further direct that he receive a copy of this resolution of highest praise and with all best wishes for every continuing success in life.

On motion of Senator Covington, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Covington then offered the following Senate Joint Resolution, to-wit:

S. J. R. 34. COMMENDING MR. AND MRS. DORSEY CHALMUS KELLEY ON THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Senate notes with pleasure the Golden Wedding Anniversary, April 10, 1988, of Mr. and Mrs. Dorsey Kelley of Skipperville, Alabama; and

WHEREAS, in the sight of God, Dorsey Chalmus Kelley and Lettie Pearl Stuckey were joined in wedlock on April 10, 1938, in Ozark, Alabama, and these two fine people, forsaking all others, have remained in said holy state for 50 years; and

WHEREAS, adhering to biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Kelley are the parents of two children and the loving grandparents of five wonderful grandchildren; and

WHEREAS, Mr. Kelley, a retired retail clothing manager of 42 years, and his wife, Lettie Pearl, a homemaker, have been members of Morgan Baptist Church for more than 50 years; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, that we join with family and friends in congratulating this exemplary couple of Skipperville, Alabama, and wish them many more happy years together in their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Mr. and Mrs. Kelley that they may know of our congratulations and warm best wishes.

On motion of Senator Covington, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Dixon offered the following Senate Joint Resolution, to-wit:

S. J. R. 35. COMMENDING THE MONTGOMERY ACADEMY EAGLES AS OUR 1987 STATE 1A FOOTBALL CHAMPIONS.

WHEREAS, in consensus of highest commendation, the Alabama Legislature congratulates Coach John Tatum and the Montgomery Academy Eagles on their State 1A Football Championship for 1987; and

WHEREAS, under the talented direction and leadership of Coach Tatum, a veteran of four years at the Academy, and Assistant Coaches Tim Bethea, Joe Mooty and David Bethea, the Eagles soared to an unblemished 9-0-0 record, the school's first undefeated season, and went 5-0-0 in the Play-offs to capture the school's first State Title; and

WHEREAS, the Montgomery Academy Eagles, who also won the AHSAA Area 6 1A Championship, posted for the record an incredible average of 35.1 points per game for a total of 501, while allowing their opponents only 72 total points or a 5.1 average per game; and

WHEREAS, the Eagles have now won 25 of their last 27 games and their regular season winning streak stands at 17 in a row; and

WHEREAS, further, the Montgomery Academy placed 13 players on the 1A-2A All-City Team, four players on the All-State first team and two players on the honorable mention All-State Team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and as our State 1A Football Champions for 1987, we hereby most highly commend the Montgomery Academy Eagles, and do further direct that copies of this resolution be forwarded to Headmaster Robert Byrd for presentation to Coach Tatum and team, and for appropriate display by the Academy.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION IN WRITING

Senator Dixon offered the following Motion in Writing, to-wit:

MOTION IN WRITING

Notice in Writing having been given on a preceding legislative day, motion is now made to amend the Senate Rules as follows:

Add the following rule as Rule 41(a)

“RULE 41 (a) Senators shall particularly forbear personal reflections, and no Senator shall name another or make personal derogatory remarks in argument or debate.”

Which was read and referred to the Standing Committee on Rules.

RESOLUTIONS

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 36. COMMENDING LARRY ELKINS, NORTH ALABAMA EMERGENCY MEDICAL TECHNICIAN OF THE YEAR.

Also:

S. R. 37. COMMENDING PARAMEDIC JEFFREY CRAWFORD FOR OUTSTANDING CONTRIBUTIONS TO NORTH ALABAMA EMERGENCY MEDICAL SERVICES.

Also:

S. R. 38. COMMENDING PARAMEDIC MIKE WEST OF ATHENS-LIMESTONE AMBULANCE SERVICE.

Which were filed.

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Billy Don Anderson to the Board of Trustees, University of North Alabama

On motion of Senator Denton, the appointment of Mr. Anderson was confirmed by the Senate.

Yeas 21; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Langford	
Bailey	deGraffenried	Foshee	Manley	
Barron	Denton	Hale	Menton	
Bedsole	Dial	Hand	Preuitt	
Bennett	Dixon	Hilliard	Smith (B)	
Cabaniss	Drinkard			—21

Nays: —0

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Gene Green to the Board of Trustees, University of North Alabama

On motion of Senator Denton, the appointment of Mr. Green was confirmed by the Senate.

Yeas 20; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Horn	
Bailey	deGraffenried	Ellis	Langford	
Barron	Denton	Foshee	Manley	
Bedsole	Dial	Hale	Menton	
Bennett	Dixon	Hand	Preuitt	
Cabaniss				—20

Nays: —0

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Phillip Logan to the Board of Trustees, University of North Alabama

On motion of Senator Denton, the appointment of Mr. Logan was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Ellis	Langford	
Bedsole	Denton	Foshee	Manley	
Bennett	Dial	Hale	Menton	
Cabaniss	Dixon	Hand	Smith (B)	
Campbell	Drinkard	Horn		—18

Nays: —0

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Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Richard E. Moss to the Board of Trustees, University of North Alabama

On motion of Senator Denton, the appointment of Mr. Moss was confirmed by the Senate.

Yeas 19; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Horn	
Barron	deGraffenried	Ellis	Langford	
Bedsole	Denton	Foshee	Manley	
Bennett	Dial	Hand	Menton	
Cabaniss	Dixon	Hilliard	Parsons	—19

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 4. RELATIVE TO MEETING DAYS.

Also:

H. J. R. 9. MOURNING THE DEATH OF HOFFORD CURTIS CHARACTER OF GADSDEN, ALABAMA.

Also:

H. J. R. 10. COMMENDING THE JOINT EFFORT IN THE SUCCESSFUL OPERATION FOR THE OPENING OF THE TOM BEVILL CENTER.

Also:

H. J. R. 6. MOURNING THE DEATH OF BILL K. BUGG OF GADSDEN, ALABAMA.

Also:

H. J. R. 7. NAMING A NEW BUILDING ON UAB'S CAMPUS THE GENE BARTOW ARENA.

Also:

H. J. R. 11. COMMENDING THE REELTOWN HIGH SCHOOL REBEL PRIDE BAND FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 12. COMMENDING COACH DUANE WEBSTER OF TALLAPOOSA COUNTY'S REELTOWN HIGH SCHOOL.

Also:

H. J. R. 13. COMMENDING THE REELTOWN HIGH SCHOOL FOOTBALL TEAM, STATE 2A FOOTBALL CHAMPIONS FOR 1987.

Also:

H. J. R. 15. COMMENDING THE SCOTTSBORO-JACKSON COUNTY RESCUE SQUAD FOR OUTSTANDING SERVICE TO THE COMMUNITY.

Also:

H. J. R. 17. DESIGNATING THE MONTH OF FEBRUARY 1988 AS "EGG MONTH IN ALABAMA."

Also:

H. J. R. 19. COMMENDING SHELDON L. MORGAN FOR OUTSTANDING SERVICE TO THE MOBILE COMMUNITY AND AS CHAIRMAN OF THE NATIONAL WATERWAYS CONFERENCE.

Also:

H. J. R. 20. COMMENDING LEO BROWN FOR OUTSTANDING SERVICE IN THE FIELD OF PUBLIC EDUCATION.

Also:

H. J. R. 21. CONGRATULATING MR. AND MRS. MILTON FULLMAN ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

Also:

H. J. R. 22. CONGRATULATING MR. AND MRS. THOMAS DALTON MOORE ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 23. COMMENDING MR. ROBERT E. CRAMER, JR., DISTRICT ATTORNEY, TWENTY-THIRD JUDICIAL CIRCUIT.

Also:

H. J. R. 25. HONORING FRANK BROOKS YIELDING OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 27. MOURNING THE DEATH OF LESLIE JORDAN TAYLOR OF FORT PAYNE, ALABAMA.

Also:

H. J. R. 36. MOURNING THE DEATH OF CLAUDE BLANCHARD LAYFIELD, JR., OF DADEVILLE AND AUBURN, ALABAMA.

Also:

H. J. R. 39. CONGRATULATING UMS PREPARATORY SCHOOL OF MOBILE, ALABAMA'S 1987 STATE 3A FOOTBALL CHAMPIONS.

Also:

H. J. R. 40. MOURNING THE DEATH OF MARY MCLAUGHLIN WATSON OF MOBILE, ALABAMA.

Also:

H. J. R. 42. COMMENDING THURSTON JOHNSTON OF CROSSVILLE, ALABAMA, RECIPIENT OF THE UNITED STATES BASEBALL FEDERATION'S SERVICE AWARD.

Also:

H. J. R. 48. DESIGNATING FEBRUARY 9, 1988, AS "DELTA DAY" AT THE ALABAMA STATE HOUSE AND "DELTA SIGMA THETA DAY" IN THE STATE OF ALABAMA.

Also:

H. J. R. 50. COMMENDING DAVID SHOCKLEY ON HIS INDUCTION INTO THE ALABAMA TEACHER HALL OF FAME.

Also:

H. J. R. 51. MOURNING THE DEATH OF OLIVER HARRIS DELCHAMPS OF MOBILE, ALABAMA

Also:

H. J. R. 56. URGING OBSERVANCE OF "SPINAL CORD INJURY AWARENESS MONTH" AND THE FEET FIRST FIRST TIME PROGRAM.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 39. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the third legislative day of 1988 Regular Session only:

Inst Id	Page
S. 38	17
Hearing and speech impaired persons, telephone service for regulated, public service commission to impose customer surcharge to fund	
S. 181	3
Banking dept., employees auth. to borrow money from st. banks, Sec. 5-3A-9 am'd.	
S. 13	17
Headlights, use req. in rain, Sec. 32-5-240 am'd.	
S. 182	4
Banks, st. banks granted cert. powers	
S. 168	13
Wildlife print and stamp created, Conservation and Natural Resources Dept. to administer	
S. 110	11
Self-Insurers Guaranty Association, Inc., created as nonprofit corporation	
S. 56	4
Nursing homes, medicaid eligibility, patients whose income exceeds, Sec. 22-6-5 repealed	
S. 190	13
Medicaid agency, prescription eyewear for qualified sight-impaired medicaid recipients	
S. 125	6
Industrial development authority bond issue, reference to an act adopted, Act 87-554, Reg. Session 1987 am'd.	
S. 55	18
Trucks, five-yr. registration and license auth., Sec. 40-12-252 am'd.	

On motion of Senator deGraffenried, the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Dial, B. I. R., S. B. 38, adopted.

Yeas 20; Nays 1.

Yeas:

Senators:	Covington	Ellis	Langford
Bedsole	deGraffenried	Foshee	Manley
Bennett	Dial	Hale	Menton
Bishop	Dixon	Hilliard	Mitchem
Cabaniss	Drinkard	Horn	Smith (B)
Campbell			

—20

Nay: Senator Parsons —1

SPECIAL ORDER
BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 38. To authorize and empower the public service commission to impose a surcharge on customers of telephone companies in the State in order to provide telephone service to persons with hearing and speech impairments.

Senator Parsons offered the following substitute for the Bill, S. B. 38, to-wit:

SUBSTITUTE FOR S. B. 38
A BILL
TO BE ENTITLED
AN ACT

To authorize and empower the public service commission to impose a surcharge on customers of telephone companies in the state in order to provide telephone service to persons with hearing and speech impairments and access to 976 service.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Alabama Public Service Commission shall impose a surcharge on each access line of each customer of the local exchange companies operating in Alabama to fund a dual-party relay system whereby a deaf or hearing-impaired person may communicate with other such persons or with normal hearing persons via telephone.

Section 2. The Alabama Public Service Commission shall establish the amount to be imposed based on the amount of funding necessary to implement and maintain such system.

Section 3. The Alabama Public Service Commission shall impose a surcharge on each 976 service access line of each customer of the local exchange companies operating in Alabama.

Section 4. The local exchange companies shall collect the surcharge provided for in Section 1 of this act from their customers and transfer the monies collected to a private fund to be held separate from all other funds and used solely for the administration of this system. The surcharges provided for in this act collected by the local exchange companies from their customers

shall not be subject to the Utility Gross Receipts Tax levied under Sections 40-21-80 through 40-21-87, Code of Alabama 1975, or the Utility Use Tax levied under Sections 40-21-100 through 40-21-107, Code of Alabama 1975, nor shall such collections be included in the Gross Receipts subject to tax under Section 40-21-58, Code of Alabama 1975, or the Supervision and Inspection Fees under Sections 37-4-23 and 37-4-24, Code of Alabama 1975.

Section 5. The Alabama Public Service Commission shall be charged with implementation of such dual-party relay systems within the state and shall establish the procedures for the continuation of same.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Langford
Bailey	Corbett	Ellis	Menton
Barron	Covington	Hale	Mitchem
Bedsole	deGraffenried	Hilliard	Parsons
Bennett	Denton	Holmes	Smith (B)
Bishop	Dial	Horn	Smith (J)
Cabaniss	Dixon		

—25

Nays: —0

Senator Corbett offered the following amendment to the Bill, S. B. 38, as amended by the substitute, to-wit:

AMENDMENT TO S. B. 38, AS AMENDED

Amend Senate Bill No. 38 Page 1 Line 30, by inserting after the period(.).

However, no additional fees may be imposed on any users of this deaf and hearing-impaired service.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Langford
Bailey	Covington	Goodwin	Manley
Barron	deGraffenried	Hale	Menton
Bedsole	Denton	Hilliard	Mitchem
Bishop	Dial	Holmes	Smith (B)
Cabaniss	Drinkard	Horn	Smith (J)
Campbell			

—24

Nays: —0

And said Bill, S. B. 38, as thus amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

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Yeas 24; Nays 0.

Yeas:

Senators:	Covington	Ellis	Langford
Bailey	deGraffenried	Goodwin	Manley
Barron	Denton	Hale	Menton
Bedsole	Dial	Hilliard	Mitchem
Bishop	Dixon	Holmes	Smith (B)
Cabaniss	Drinkard	Horn	Smith (J)
Campbell			

—24

Nays: —0

RESOLUTION

Senator Mitchem requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 40. COMMENDING FRED BOREN OF HAYDEN, ALABAMA, FOR DISTINGUISHED COMMUNITY SERVICE.

WHEREAS, in a desire to recognize those individuals in our state who have greatly contributed to the well-being of their fellow citizens, the Legislature of Alabama notes with highest commendation the distinguished service rendered by Fred Boren to the Town of Hayden, to Blount County and to all citizens thereof; and

WHEREAS, Mr. Boren, in dedicated public service, was a member of the Blount County Commission, representing District 1, for 24 years and, for five years, served as Chairman of that Commission; and

WHEREAS, he also served in mayoral capacity for a period of three years, as well as on the Hayden Town Council for sixteen years; and

WHEREAS, Mr. Boren has further extended his involvement to include the activities of the First Baptist Church of Hayden, Alabama, where he has served as deacon for 55 years; the Blount Memorial Hospital Board as a member for six years; and in support of numerous other affairs and activities of interest and concern to the entire community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding community and public service, we hereby commend Mr. Fred Boren of Hayden, Blount County, Alabama, whom we hold in warmest personal regard and to whom a copy of this resolution shall be presented.

On motion of Senator Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Bennett, B. I. R., S. B. 181, adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Horn
Bailey	Campbell	Foshee	Langford
Barron	Denton	Goodwin	Menton
Bedsole	Dial	Hale	Smith (B)
Bennett	Drinkard	Holmes	Smith (J)
Bishop			

—20

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 181. To amend Section 5-3A-9, Code of Alabama 1975, which prohibits banking department employees from borrowing money from state banks so as to limit the prohibition to the superintendent, any assistant superintendent, deputy superintendent and all bank examiners.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Horn	
Bailey	Campbell	Drinkard	Langford	
Barron	Corbett	Ellis	Menton	
Bedsole	deGraffenried	Foshee	Preuitt	
Bennett	Denton	Hale	Smith (B)	
Bishop	Dial	Holmes	Smith (J)	—23

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., S. B. 13, adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Horn	
Barron	Covington	Ellis	Langford	
Bedsole	Denton	Goodwin	Menton	
Bennett	Dial	Hale	Preuitt	
Bishop	Dixon	Holmes	Smith (J)	
Cabaniss				—20

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 13. To amend Section 32-5-240, Code of Alabama 1975, which relates to the use of headlights on motor vehicles, so as to provide further for such use.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Langford	
Barron	Corbett	Ellis	Menton	
Bedsole	deGraffenried	Hale	Preuitt	
Bennett	Denton	Holmes	Smith (B)	
Cabaniss	Dial	Horn	Smith (J)	—19

Nays: —0

MOTIONS IN WRITING

Senator Denton offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 64, on page 20 of the 3rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 64, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Holmes offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 107, on page 21 of the 3rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 107, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BUDGET ISOLATION RESOLUTION

Senator Bennett, B. I. R., S. B. 182, adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Dial	Horn	
Bailey	Campbell	Dixon	Langford	
Barron	Covington	Drinkard	Menton	
Bedsole	deGraffenried	Hale	Preuitt	
Bennett	Denton	Hilliard	Smith (B)	—19

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 182. To grant state chartered banks the same powers, privileges and protection held by federally chartered banks, if approved by the state superintendent of banks.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Campbell	Dixon	Manley	
Bailey	Corbett	Drinkard	Menton	
Barron	deGraffenried	Hand	Preuitt	
Bedsole	Denton	Horn	Smith (B)	
Bennett	Dial	Langford	Smith (J)	—20
Cabaniss				

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B. I. R., S. B. 168, adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Langford	
Bailey	Covington	Goodwin	Manley	
Barron	deGraffenried	Hale	Menton	
Bedsole	Denton	Hand	Preuitt	
Bennett	Dial	Holmes	Smith (B)	
Cabaniss	Dixon	Horn		—22

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 168. To establish an official state nongame wildlife print or wildlife stamp; to provide for funding of the program establishing the print or stamp and to provide that the program shall be administered by the Department of Conservation and Natural Resources.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 1.

Yeas:

Senators:	deGraffenried	Hale	Manley	
Bailey	Denton	Hand	Menton	
Bedsole	Dial	Holmes	Preuitt	
Cabaniss	Dixon	Horn	Smith (B)	
Campbell	Drinkard	Langford	Smith (J)	
Covington	Goodwin			—21

Nay: Senator Corbett —1**BUDGET ISOLATION RESOLUTION**

Senator Cabaniss, B. I. R., S. B. 110, adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Langford	
Bailey	deGraffenried	Hale	Manley	
Bedsole	Denton	Hand	Menton	
Cabaniss	Dixon	Holmes	Smith (B)	
Campbell	Drinkard	Horn	Smith (J)	—19

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 110. To create the Alabama Self-Insurers Guaranty Association; to provide for the membership and duties of the board of directors of the

association; to establish an insolvency fund; to establish procedures by which claims may be filed and paid; to provide that the department of industrial relations shall regulate the association; and to provide for immunity from certain liability for the association.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 110, to-wit:

SENATE JUDICIARY COMMITTEE AMENDMENT TO S. B. 110

Amend Senate Bill No. 110, Page 12, Line 2 through 5, by striking out lines 2 through 5 in their entirety and by substituting in lieu thereof the following:

“Section 13. A member may deduct as a business expense for state income tax purposes any assessment levied under Section 3(c) in the year such assessments are paid.”

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Covington	Drinkard	Horn	
Bailey	deGraffenried	Foshee	Langford	
Bedsole	Denton	Goodwin	Menton	
Cabaniss	Dial	Hand	Smith (B)	
Campbell	Dixon	Hilliard		—18

Nays: —0

Senator Cabaniss offered the following substitute for the Bill, S. B. 110, as amended, to-wit:

SUBSTITUTE FOR S. B. 110

**A BILL
TO BE ENTITLED
AN ACT**

To create the Alabama Workmen's Compensation Self-Insurers Guaranty Association; to provide for the membership and duties of the board of directors of the association; to establish an insolvency fund; to establish procedures by which claims may be filed and paid; and to provide that the department of industrial relations shall regulate the association.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) There is created a nonprofit corporation to be known as the “Alabama Workmen's Compensation Self-Insurers Guaranty Association, Incorporated,” hereinafter referred to as “the association.” Upon incorporation of the association, all individual self-insurers for workmen's compensation as defined by law, other than individual self-insurers which are public utilities or governmental entities, shall be members of the association as a condition of their authority to individually self-insure in this state. The association shall perform its functions under a plan of operation as established and approved under Section 5 of this act and shall exercise

its powers and duties through a board of directors as established under Section 2. The corporation shall have those powers granted or permitted corporations not for profit, as provided in article 1 of Title 10 of the Code of Alabama 1975.

(b) A member may voluntarily withdraw from the association when he terminates his self-insurance privilege and pays all assessments due to the date of such termination. However, any such member desiring to so withdraw shall continue to be bound by the provisions of this section relating to the period of his membership and any claims charged pursuant thereto.

Section 2. The board of directors of the association shall consist of nine persons and shall be organized as established in the plan of operation. With respect to initial appointments, the director of the department of industrial relations shall, by July 15, 1988, approve and appoint to the board persons who are experienced with self-insurance in this state and who are recommended by the individual self-insurers in this state required to become members of the association pursuant to the provisions of Section 1. In the event the director finds that any person so recommended does not have the necessary qualifications for service on the board and a majority of the board has been appointed, the director shall request the directors thus far approved and appointed to recommend another person for appointment to the board. Each director shall serve for a four-year term and may be reappointed. Appointments other than initial appointments shall be made by the director of the department of industrial relations upon recommendation of members of the association. Any vacancy on the board shall be filled for the remaining period of the term in the same manner as appointments other than initial appointments are made. Each director shall be reimbursed for expenses incurred in carrying out the duties of the board on behalf of the association.

Section 3. (a) Upon creation of the insolvency fund pursuant to the provisions of Section 4 of this act, the association shall be obligated to the extent of covered claims existing prior to the adjudication of insolvency by a court of competent jurisdiction and arising within 30 days after the determination of insolvency, which claims occur during the year in which such insolvent member is a member of the guaranty fund and was assessable pursuant to the plan of operation. Such obligation shall include only that amount due the injured worker or workers of the insolvent member under this act. In no event shall the association be obligated to a claimant in an amount in excess of the obligation of the insolvent employer. The association shall be deemed the insolvent employer to the extent of its obligation on the covered claims, and to such extent, shall have all rights, duties, and obligations of the insolvent employer as if the employer had not become insolvent. However, in no event shall the association be liable for any penalties or interest.

(b) The association may:

(1) Employ or retain such persons as necessary to handle claims and perform other duties of the association.

(2) Borrow funds necessary to effect the purposes of this section in accord with the plan of operation.

(3) Sue or be sued.

(4) Negotiate and become a party to such contracts as are necessary to carry out the purposes of this section.

(5) Purchase such reinsurance as is determined necessary pursuant to the plan of operation.

(6) Review all applicants for membership in the association. Prior to a final determination by the Division of Workmen's Compensation as to whether or not to approve any applicant for membership in the association, the association may issue opinions to the division concerning any applicant, which opinions shall be considered by the division prior to any final determination.

(7) Develop guidelines to determine when a member is considered to be insolvent for purposes of this section. Pursuant thereto, "insolvent" means that all assets of the member, if made immediately available, would not be sufficient to meet all the members liabilities or that the member is unable to pay its debts as they become due in the usual course of business, and in either event, that the member cannot pay claims of employees as required in this act.

(8) Charge fees to any member of the association to cover the actual costs of examining the financial and safety conditions of that member.

(9) Charge an applicant for membership in the association a fee sufficient to cover the actual costs of examining the financial condition of the applicant.

(c)(1) To the extent necessary to secure funds for the payment of covered claims and also to pay the reasonable costs to administer them, the department of industrial relations, upon certification of the board of directors, shall levy assessments based on a rate of fifteen dollars per one thousand dollars of security amount established by the department for each member. Assessments shall be remitted to and administered by the board of directors in the manner specified by the approved plan. Each employer so assessed shall have at least 30 days' written notice as to the date the assessment is due and payable. The association shall levy assessments against any newly admitted member of the association so that the basis of contribution of any newly admitted member is the same as previously admitted members, provision for which shall be contained in the plan of operation.

(2) If, in any one year, funds available from such assessments, together with funds previously raised, are not sufficient to make all the payments or reimbursements then owing, the association shall have the right to assess all members an additional amount equal to their prior year's assessment. If this additional assessment is still not sufficient, the funds available shall be prorated, and the unpaid portion shall be paid as soon thereafter as sufficient additional funds become available.

(3) No state funds of any kind shall be allocated or paid to the association or any of its accounts except those state funds accruing to the association by and through the assignment of rights of an insolvent employer.

Section 4. Upon the adoption of a plan of operation or the adoption of rules by the department of industrial relations pursuant to Section 5, there shall be created an insolvency fund to be managed by the association.

(1) The insolvency fund is created for purposes of meeting the obligations of insolvent members incurred while members of the association, as required under this act. The method of operation of the insolvency fund shall be defined in the plan of operation as provided in Section 5.

(2) The department shall have the authority to audit the financial soundness of the insolvency fund annually.

(3) The department may offer certain amendments to the plan of operation to the board of directors of the association for the purposes of assuring the ongoing financial soundness of the insolvency fund and its ability to meet the obligations of this section.

Section 5. By September 15, 1988, the board of directors shall submit to the department of industrial relations a proposed plan of operation for the administration of the association and the insolvency fund.

(1) The purpose of the plan of operation shall be to provide the association and the board of directors with the authority and responsibility to establish the necessary programs and to take the necessary actions to protect against the insolvency of a member of the association. In addition, the plan shall provide that the members of the association shall be responsible for maintaining an adequate insolvency fund to meet the obligations of insolvent members provided for under this act and shall authorize the board of directors to contract and employ those persons with the necessary expertise to carry out this stated purpose.

(2) The plan of operation, and any amendments thereto, shall take effect upon approval in writing by the department. If the board of directors fails to submit a plan by September 15, 1988, or fails to make required amendments to the plan within 30 days thereafter, the department shall promulgate such rules as are necessary to effectuate the provisions of this section. Such rules shall continue in force until modified by the department or superseded by a plan submitted by the board of directors and approved by the department.

(3) All member employers shall comply with the plan of operation.

(4) The plan of operation shall:

a. Establish the procedures whereby all the powers and duties of the association under Section 3 will be performed.

b. Establish procedures for handling assets of the association.

c. Establish the amount and method of reimbursing members of the board of directors under Section 2.

d. Establish procedures by which claims may be filed with the association. Notice of claims to the receiver or liquidator of the insolvent employer shall be deemed notice to the association or its agent, and a list of such claims shall be submitted periodically to the association or similar organization in another state by the receiver or liquidator.

e. Establish regular places and times for meetings of the board of directors.

f. Establish procedures for records to be kept of all financial transactions of the association and its agents and the board of directors.

g. Provide that any member employer aggrieved by any final action or decision of the association may appeal to the department within 30 days after the action or decision.

h. Establish the procedures whereby recommendations of candidates for the board of directors shall be submitted to the department.

i. Contain additional provisions necessary or proper for the execution of the powers and duties of the association.

(5) The plan of operation may provide that any or all of the powers and duties of the association, except those specified under subdivision (4), paragraphs a and b of this section, be delegated to a corporation, association, or other organization which performs or will perform functions similar to those of this association or its equivalent in two or more states. Such corporation, association, or organization shall be reimbursed as a servicing facility would be reimbursed and shall be paid for its performance of any other functions of the association. A delegation of powers or duties under this section shall take effect only with the approval of both the board of directors and the department and may be made only to a corporation, association, or organization which extends protection which is not substantially less favorable and effective than the protection provided by this section.

Section 6. (a) The department shall notify the association of the existence of an insolvent employer not later than three days after it receives notice of the determination of insolvency.

(b) The department may:

(1) Require that the association notify the member employers and any other interested parties of the determination of insolvency and of their rights under this section. Such notification shall be by mail at the last known address thereof when available, but if sufficient information for notification by mail is not available, notice by publication in a newspaper of general circulation shall be sufficient.

(2) Suspend or revoke the authority of any member employer failing to pay an assessment when due or failing to comply with the plan of operation to self-insure in this state. As an alternative, the department may levy a fine on any member employer failing to pay an assessment when due. Such fine shall not exceed 5 percent of the unpaid assessment per month, except that no fine shall be less than \$100.00 per month.

(3) Revoke the designation of any servicing facility if the department finds that claims are being handled unsatisfactorily.

Section 7. (a) Every claimant seeking the protection of this act shall cooperate with the association to the same extent as such person would have been required to cooperate with the insolvent employer. The association shall have no cause of action against the employee of the insolvent employer for any sums the association has paid out, except such causes of action as the insolvent employer would have had if such sums had been paid by the insolvent employer. In the case of an insolvent employer operating on a plan with assessment liability, payments of claims by the association shall not operate to reduce the liability of the insolvent employer to the receiver, liquidator, or statutory successor for unpaid assessments.

(b) The receiver, liquidator, or statutory successor of an insolvent employer shall be bound by settlements of covered claims by the association or a similar organization in another state. The court having jurisdiction shall grant such claims priority against the assets of the insolvent employer equal to that to which the claimant would have been entitled in the absence of this section. The expense of the association or similar organization in handling claims shall be accorded the same priority as the expenses of the liquidator.

(c) The association shall file periodically with the receiver or liquidator of the insolvent employer statements of the covered claims paid by the association and estimates of anticipated claims on the association, which

shall preserve the rights of the association against the assets of the insolvent employer.

Section 8. To aid in the detection and prevention of employer insolvencies:

(1) Upon determination by majority vote that any member employer may be insolvent or in a financial condition hazardous to the employees thereof or to the public, it shall be the duty of the board of directors to notify the department of industrial relations of any information indicating such condition.

(2) The board of directors may, upon majority vote, request that the department determine the condition of any member employer which the board in good faith believes may no longer be qualified to be a member of the association. Within 30 days of the receipt of such request or for good cause shown within a reasonable time thereafter, the department shall make such determination and shall forthwith advise the board of its findings. Each request for a determination shall be kept on file by the department, but the request shall not be open to public inspection prior to the release of the determination to the public.

(3) It shall also be the duty of the department to report to the board of directors when it has reasonable cause to believe that a member employer may be in such a financial condition as to be no longer qualified to be a member of the association.

(4) The board of directors may, upon majority vote, make reports and recommendations to the department upon any matter which is germane to the solvency, liquidation, rehabilitation, or conservation of any member employer. Such reports and recommendations shall not be considered public documents.

(5) The board of directors may, upon majority vote, make recommendations to the department for the detection and prevention of employer insolvencies.

(6) The board of directors shall, at the conclusion of any employer insolvency in which the association was obligated to pay covered claims, prepare a report on the history and cause of such insolvency, based on the information available to the association, and shall submit such report to the department.

Section 9. The association shall be subject to examination and regulation by the department of industrial relations. No later than March 30 of each year, the board of directors shall submit a financial report for the preceding calendar year in a form approved by the department.

Section 10. All proceedings in which an insolvent employer is a party, or is obligated to defend a party, in any court or before any quasi-judicial body or administrative board in this state shall be stayed as is deemed necessary by a court of competent jurisdiction to permit proper defense by the association of all pending causes of action as to any covered claims arising from a judgment under any decision, verdict, or finding based on the default of the insolvent employer. The association, either on its own behalf or on behalf of the insolvent employer, may apply to have such judgment, order, decision, verdict, or finding set aside by the same court or administrator that made such judgment, order, decision, verdict, or finding and shall be

permitted to defend against such claim on the merits. If requested by the association, the stay of proceedings may be shortened or waived.

Section 11. A member may offset against its corporate income tax liability to the state any assessment levied under Section 3(c) to the extent of such taxes paid in the current year.

Section 12. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this act are hereby repealed.

Section 14. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Covington	Drinkard	Hilliard
Amari	deGraffenried	Foshee	Horn
Bailey	Denton	Goodwin	Langford
Bedsole	Dial	Hale	Menton
Cabaniss	Dixon	Hand	Smith (B)
Campbell			

—20

Nays: —0

Senator Cabaniss then offered the following amendment to the Bill, S. B. 110, as amended by the substitute, to-wit:

AMENDMENT TO S. B. 110, AS AMENDED

Amend Senate Bill No. 110 Page 11 lines 17 through 20, by striking out lines 17 through 20 in their entirety and by substituting in lieu thereof the following:

“Section 11. A member may deduct as a business expense for state income tax purposes any assessment levied under Section 3(c) in the year such assessments are paid.”

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Corbett	Dixon	Horn
Amari	Covington	Drinkard	Langford
Bailey	deGraffenried	Goodwin	Manley
Bedsole	Denton	Hale	Menton
Cabaniss	Dial	Hand	Smith (B)
Campbell			

—20

Nays: —0

And said Bill, S. B. 110, as thus amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 21; Nays 1.

Yeas:

Senators:	Covington	Foshee	Horn	
Amari	deGraffenried	Goodwin	Langford	
Bailey	Denton	Hale	Manley	
Bedsole	Dial	Hand	Menton	
Cabaniss	Dixon	Hilliard	Smith (B)	
Campbell	Drinkard			—21

<i>Nay:</i> Senator Corbett	—1
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BUDGET ISOLATION RESOLUTION

Senator Dial, B. I. R., S. B. 56, adopted.

Yeas 20; Nays 1.

Yeas:

Senators:	Denton	Foshee	Horn	
Bedsole	Dial	Goodwin	Langford	
Cabaniss	Dixon	Hale	Manley	
Campbell	Drinkard	Hand	Menton	
Covington	Ellis	Hilliard	Smith (B)	
deGraffenried				—20

<i>Nay:</i> Senator Amari	—1
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BILLS ON THIRD READING RESUMED**THE BILL:**

S. 56. To repeal Section 22-6-5, Code of Alabama 1975, relating to the retention of eligibility for benefits by Medicaid patients who are in a nursing home and whose incomes increase to amounts exceeding the eligibility limit.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Ellis	Horn	
Bailey	Denton	Foshee	Langford	
Bedsole	Dial	Goodwin	Manley	
Cabaniss	Dixon	Hale	Menton	
Campbell	Drinkard	Hand	Smith (B)	
Covington				—20

<i>Nays:</i>	—0
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BUDGET ISOLATION RESOLUTION

Senator Dial, B. I. R., S. B. 190, adopted.

REGULAR SESSION
3rd Day

191

Yeas 19; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Horn	
Bedsole	Dial	Goodwin	Langford	
Cabaniss	Dixon	Hale	Manley	
Campbell	Drinkard	Hand	Menton	
Covington	Ellis	Holmes	Smith (B)	—19

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 190. To authorize the Alabama Medicaid Agency to contract with a central source, for the procurement of prescription eyewear for qualified sight impaired Medicaid recipients, for periods not to exceed five years.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Denton	Foshee	Horn	
Bedsole	Dial	Goodwin	Langford	
Cabaniss	Dixon	Hale	Manley	
Campbell	Drinkard	Hand	Menton	
Covington	Ellis	Holmes	Smith (B)	—20
deGraffenried				

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 67. MOURNING THE DEATH OF MARGARET ANN BEVILL BLACKWELL OF WAKEFIELD, MARSHALL COUNTY, ALABAMA.

Also:

H. J. R. 75. RELATIVE TO MEETING DAYS.

Also:

H. J. R. 58. COMMENDING R. WAYNE THOMPSON OF DADEVILLE, ALABAMA, ON HIS DISTINGUISHED CAREER.

Also:

H. J. R. 59. COMMENDING THE REVEREND JAMES H. HOLLAND, PASTOR OF CENTER STAR UNITED METHODIST CHURCH.

Also:

H. J. R. 61. COMMENDING THE GREENVILLE HIGH SCHOOL TIGERS, ALABAMA'S 1987 5A FOOTBALL CHAMPIONS.

Also:

H. J. R. 62. COMMENDING ERICKA DAY MCDONALD OF GREENVILLE, ALABAMA'S JUNIOR MISS FOR 1988.

Also:

H. J. R. 63. COMMENDING AUBURN UNIVERSITY, 1987 SOUTH-EASTERN CONFERENCE FOOTBALL CHAMPIONS.

Also:

H. J. R. 64. COMMENDING ANITA JOHNSON OF MOBILE, ALABAMA, FOR OUTSTANDING PROFESSIONAL AND COMMUNITY SERVICE.

Also:

H. J. R. 65. COMMENDING ROSE YOUNG FOR OUTSTANDING SERVICE TO MOBILE COUNTY, ALABAMA.

Also:

H. J. R. 71. NAMING THE NEW PARK IN THE HOLT COMMUNITY, TUSCALOOSA COUNTY, ALABAMA, THE "EVANS-ROSELL PARK."

Also:

H. J. R. 72. COMMENDING JOHN DAVID SNODGRASS FOR DISTINGUISHED SERVICE TO THE MADISON COUNTY COURT SYSTEM.

Also:

H. J. R. 78. COMMENDING ALABAMA NATIVE, EUGENE SAWYER, JR., OF CHICAGO, ILLINOIS.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., S. B. 125, adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Covington	Drinkard	Holmes	
Bedsole	deGraffenried	Ellis	Horn	
Bishop	Denton	Foshee	Langford	
Cabaniss	Dial	Goodwin	Manley	
Campbell	Dixon	Hand	Smith (B)	—19

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 125. To amend Act No. 87-554 enacted at the 1987 Regular Session of the Legislature of Alabama so as to insert in Subsection (1)b1(viii) thereof the appropriate reference to Act No. 87-550.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Covington	Drinkard	Horn	
Bedsole	deGraffenried	Foshee	Langford	
Bishop	Denton	Goodwin	Manley	
Cabaniss	Dial	Hand	Smith (B)	
Campbell	Dixon	Holmes		—18

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Dial, B. I. R., S. B. 55, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Horn	
Bedsole	Covington	Goodwin	Langford	
Bennett	deGraffenried	Hale	Manley	
Bishop	Denton	Hand	Smith (B)	
Cabaniss	Dial	Holmes		—18

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 55. To amend Section 40-12-252, Code of Alabama 1975, relating to the annual license taxes and registration for certain trailers, so as to provide an option of five-year registration for truck trailers, tractor trailers or semi-trailers.

was taken up.

Senator Dial offered the following amendment to the Bill, S. B. 55, to-wit:

AMENDMENT TO S. B. 55

Amend S. B. 55, Section 4, Page 3, line 14 to read:

"Section 4. This act shall become effective October 1, 1988, following immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Horn	
Bedsole	Covington	Goodwin	Langford	
Bennett	deGraffenried	Hale	Manley	
Bishop	Denton	Hand	Smith (B)	
Cabaniss	Dial	Holmes	Smith (J)	—19

Nays: —0

And said Bill, S. B. 55, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Langford	
Bedsole	Covington	Hale	Manley	
Bishop	deGraffenried	Hand	Smith (B)	
Cabaniss	Dixon	Holmes	Smith (J)	
Campbell	Drinkard	Horn		—18

Nays: —0

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 4 S. J. R. 12

S. J. R. 6 S. J. R. 13

Delivered to the Governor February 9, 1988, at 2:48 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 5:05 P.M., on motion of Senator Drinkard, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, February 11, 1988, at 10 o'clock A.M.

FOURTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 11, 1988

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by the Reverend Billy Duncan, Pastor, Highland Avenue Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Elizabeth Waters, Carver Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Corbett	Goodwin	Menton
Amari	deGraffenried	Hale	Mitchem
Bailey	Denton	Hand	Parsons
Barron	Dial	Hilliard	Preuitt
Bedsole	Dixon	Holmes	Rice
Bennett	Drinkard	Horn	Sanders
Bishop	Ellis	Langford	Smith (B)
Cabaniss	Foshee	Manley	Smith (J)
Campbell			

—32

JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Bedford, Covington, and Figures for today.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Smith (J):

S. 329. To amend Sections 27-14-6, 27-15-5 and 27-15-19, Code of Alabama, 1975, the Alabama Insurance Code, to provide that a summary of an application may be attached to a life or disability insurance policy or an annuity contract and when a summary of the application is so attached the policy and summary shall constitute the entire contract between the parties.

Committee on Banking and Insurance.

By Senator Hale:

S. 330. To provide for the conservation of the natural resources of the State; designating the caves and caverns of the State and the flora, fauna, mineral deposits and formations therein as worthy of preservation, protection and development for scenic, scientific, recreational, business and commercial purposes; protecting the rights of property owners and the general public in caves; to provide for liability for certain acts, to prohibit vandalism and pollution; to designate certain acts relative to caves and their contents as criminal offenses and to prescribe penalties therefor.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Ellis:

S. 331. To authorize advance payments for the expenses of members and employees of local boards of education and to prescribe the methods for such advance expenditures.

Committee on Education.

By Senator Ellis:

S. 332. To create a district judgeship for the judicial district comprised of Shelby County.

Committee on Finance and Taxation.

By Senator Sanders:

S. 333. To authorize the department of human resources to remove certain items of fully depreciated state property which have little or no resale or reuse value to the state from state property inventory by transferring title and ownership of same to purchase of service contractors who will continue to utilize those items in providing needed services to clients of the department of human resources.

Committee on Public Welfare.

By Senator Sanders:

S. 334. To provide that in addition to any and all other powers to tax the several county commissions of this state are hereby authorized and empowered to levy and collect additional privilege, license, franchise, excise, ad valorem, sales and use taxes; to provide that any such county commission may, in its discretion, submit the question of levying any such tax to a vote

of the qualified electors of the county; to provide for the disposition of the proceeds of such taxes; to provide for the administration and collection of such taxes; to provide for the repeal of conflicting laws.

Committee on Judiciary.

By Senator Sanders:

S. 335. To make an appropriation for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1989.

Committee on Finance and Taxation.

By Senators Dixon, Mitchem, Cabaniss, Hand, Ellis, Campbell, Covington, Bailey, Amari, Dial, deGraffenried, Bedford, Manley, Hale, Barron, Drinkard, Bedsole, Smith (J), Horn, Bennett, Figures, and Preuitt:

S. 336. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Shakespeare Festival for the fiscal year 1988-89 and to require an operations plan and audited financial statement prior to release of any funds; to require the condition of the donation of certain student tickets; to require the continuation of student discounts; and to require the reversion of funds appropriated upon certain violations of the provisions of this act.

Committee on Finance and Taxation.

By Senator Langford:

S. 337. To promote and establish ridesharing programs throughout the State of Alabama for the purpose of reducing energy consumption, improving air quality, reducing traffic congestion and preserving Alabama's roads and highways.

Committee on Economic Affairs.

By Senators Corbett, deGraffenried, Holmes, Drinkard, Menton, Bishop, Hand, Dixon, Rice, Bennett, Bedsole, Sanders, Denton, Preuitt, Foshee, Goodwin, Amari, and Manley:

S. 338. To amend further Section 36-25-1 of the Code of Alabama 1975, relating to the code of ethics for public officials and employees, so as to exempt certain firemen from the provisions of such code of ethics.

Committee on Governmental Affairs.

By Senator Hand:

S. 339. To amend Sections 16-24-2, 16-24-3, 16-24-5, 16-24-6, 16-24-7, 16-24-9, and 16-24-10, Code of Alabama 1975, relating to the tenure of employment of teachers, so as to provide further for the tenure of principals and supervisors, to provide further for the number of days in a contract period, provide further for the transfer of teachers and the hearings and appeals relating to said transfers, to provide further for the cancellation of contracts and the hearings and appeals relating to said cancellation.

Committee on Education.

By Senator Drinkard:

S. 340. To provide for the reopening of the Employees' Retirement Systems of Alabama to those officers and employees of a political subdivision

and who are members of the Employees' Retirement Systems of Alabama on a certain date, and who have prior employment with their current employer for which they are ineligible to receive credit.

Committee on Finance and Taxation.

By Senator Ellis (With Notice and Proof):

S. 341. Relating to Shelby County; to authorize the creation of public library districts in certain areas of Shelby County; to prescribe conditions and procedures relative to the creation of such districts; to prescribe the organization, rights and powers of such districts; to prescribe limitations on such rights and powers; to provide for the levying of certain service charges; to repeal all conflicting statutes and to provide referendums.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 341, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Dial:

S. 342. Providing that any state policeman who served as sheriff of a county at a certain time shall be granted prior service credit as a state policeman under the state police fund of the employees' retirement system for such time served as a sheriff.

Committee on Finance and Taxation.

By Senator Horn:

S. 343. To amend Section 15-18-111, Code of Alabama 1975, to further define inmate for purposes of the Supervised Intensive Restitution Program.

Committee on Judiciary.

By Senator Hale:

S. 344. Relating to the department of mental health and mental retardation; to designate the department as a special school district within the state; to designate a position of superintendent of education for the special district with responsibility for administering the education programs of the department of mental health and mental retardation in conjunction with its commissioner; to provide for the qualifications and the filling of the superintendent's position and providing for the duties and responsibilities for the superintendent; to provide for a funding formula and policy for the district; to provide that the superintendent of the newly created school district shall bear the same relationship to the state board of education and the state superintendents as do county boards of education and county superintendents; and to provide that the provision of this Act shall be construed in pari materia with Title 22, Chapters 50 through 53, Code of Alabama 1975, and shall supersede and repeal such provisions of law only to the extent there exists a conflict herewith.

Committee on Education.

By Senator Hale:

S. 345. To provide for the exchange of sales tax information with the federal government and other states' agencies with which the State of Alabama has a reciprocal exchange arrangement.

Committee on Finance and Taxation.

By Senator Goodwin:

S. 346. To further amend section 33-1-8, Code of Alabama 1975, as amended, relating to the state docks advisory committee and its composition, the filling of vacancies and appointments on the committee and qualifications, so as to further provide therefor; and to make the effective date retroactive.

Committee on Economic Affairs.

By Senator Hale:

S. 347. To amend Section 41-4-57, Code of Alabama 1975, to delete the requirement that the statement of expenses of state officers and employees be notarized.

Committee on Judiciary.

By Senator Hale:

S. 348. To amend section 27-32-3, Code of Alabama 1975, relating to delinquency proceedings against certain insurance companies, so as to provide further for the venue of actions relating to delinquency proceedings against certain insurance companies.

Committee on Banking and Insurance.

By Senator Hale:

S. 349. To amend Section 22-50-3, Code of Alabama 1975, to require all funds of the department of Mental Health and Mental Retardation be deposited in the state treasury.

Committee on State Development and Tourism.

By Senator Horn:

S. 350. To create and establish the "Alabama Convention Facilities Act"; to authorize the legislature to appropriate certain sums from the state sales tax proceeds and the state transient occupancy (lodging) tax proceeds, based on a prescribed formula after a hearing process by the Director of Finance and information determined by the Director of Finance, to the cities and counties and their entities or authorities, building eligible facilities to assist in the payment of the debt service on bonds issued in connection with such facilities; to define the powers and responsibilities of the Director of Finance, the State Treasurer, and the cities, counties and authorities; to authorize payments, based on legislative appropriations; and to establish the "Convention Facilities Fund."

Committee on State Development and Tourism.

By Senator Smith (J):

S. 351. To amend Sections 27-3-28, 27-7-1, 27-7-2, 27-7-3, 27-7-4, 27-7-5, 27-7-6, 27-7-7, 27-7-8, 27-7-9, 27-7-10, 27-7-11, 27-7-13, 27-7-14, 27-7-16, 27-7-17, 27-7-18, 27-7-19, 27-7-28, 27-7-29, 27-7-30, 27-7-31, 27-7-33, 27-7-34 and to repeal Section 27-7-26 of the Code of Alabama 1975, relating

to property, casualty and surety insurance representatives and exceptions to execution of contracts through a countersigning resident agent so as to further regulate such representatives, to allow certain insurance agencies to be licensed and to provide further for such exceptions.

Committee on Banking and Insurance.

By Senators Bedsole, Horn, Bailey, and Barron:

S. 352. To authorize the Governor, the Director of Finance and the Director of the Department of Youth Services of the State of Alabama to become a public corporation to be known as Alabama Youth Care Authority; to provide the procedure for incorporation; to designate the members, directors and officers of the authority, to provide for meetings of the authority; to prescribe the powers of the authority, including the power to provide for the acquisition, construction, installation and equipping of youth care and other facilities which shall include one or more buildings and the site or sites therefor, the power of eminent domain, and the power to sell and issue a principal amount of bonds not to exceed \$20,000,000 for such purposes; to specify the application of the proceeds of the bonds of the authority; to authorize the authority to pledge such revenues from its leases as may be necessary to pay the principal of, premium, if any, and interest on its bonds; to empower the State Treasurer to disburse funds of the authority; to provide for the lease of said facilities to the Department of Youth Services for occupancy by its components; to provide for the investment of the proceeds from the sale of the bonds of the authority; to authorize the issuance by the authority of refunding bonds; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; to provide that all properties of the authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the authority and shall not create an obligation or debt of the State of Alabama; to provide that any bonds issued by the authority may be used as security for state deposits and investment of public funds and fiduciary funds; to provide that no earnings of the authority shall inure to private entities; to provide for dissolution of the authority and conveyance of its properties to the State of Alabama upon payment of said bonds; and to create the Alabama Youth Care Authority Legislative Oversight Committee and provide for its composition, duties, powers, and expense allowances.

Committee on Finance and Taxation.

By Senators Barron, Smith (B), Horn, Dixon, Bedsole, Menton, Ellis, Cabaniss, Hand, Dial, Bailey, Manley, Denton, Hale, Bennett, Foshee, Drinkard, and Parsons:

S. 353. To amend Section 15-18-8 of the Code of Alabama 1975, so as to allow the judge presiding over the case with the advice and consent of the commissioner of the Alabama department of corrections, to sentence convicted defendants to certain disciplinary and rehabilitation programs of the department; to provide for the administration of such programs; to provide that benefits of the Alabama correctional incentive time act or any similar program shall not apply to any minimum period of confinement ordered pursuant to this section and to allow the court to retain jurisdiction to suspend sentence and place a defendant on probation after such defendant

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begins serving a minimum term of confinement under the provision of subsection (a).

Committee on Judiciary.

By Senator Barron:

S. 354. To amend Sections 40-21-58, 40-21-59, 40-21-82, 40-21-87, 40-21-102 and 40-21-107 of the Code of Alabama 1975, relating to taxes applied to gross receipts of utilities, so as to exempt certain revenues of certain utilities from the utility license tax, while increasing the rate of the utility gross receipts tax and the utility service use tax and to provide for the disposition of the revenues from such increases.

Committee on Finance and Taxation.

By Senator Langford (With Notice and Proof):

S. 355. Relating to Montgomery County; providing further for the compensation of the judge of probate; providing for an adjustment in said compensation; providing payment out of county funds.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 355, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Barron:

S. 356. To create and establish a special abandoned mine land reclamation trust fund to receive and retain up to 10 per centum of the appropriated funds granted annually by the Secretary of the U. S. Department of Interior for the reclamation of abandoned mine lands in Alabama.

Committee on Natural Resources.

By Senators Langford and Dixon:

S. 357. Relating to deputy circuit clerks; to repeal Section 17-2-8, Code of Alabama 1975, which provides for the election of deputy circuit clerks in counties having more than 5 circuit judges; repealing Section 12-17-99, Code of Alabama 1975, which relates to the supplemental salary of elected deputy circuit clerks.

Committee on Judiciary.

By Senators Bennett, Manley, Corbett, Dial, Parsons, Campbell, Smith (J), Preuitt, Menton, Ellis, Dixon, Bedsole, and Hale:

S. 358. Relating to elections; to define the meaning of terms used in this act; to provide for the designation and organization of a principal campaign committee by each candidate for election to state or local office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this act; to provide for the registration of political committees, including the principal campaign committee of each candidate; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate the duties of the Secretary of State

and Judge of Probate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to prohibit the intimidation of voters, certain expenditures to influence voting, the publication or distribution of certain political statements, contributions in the name of another, fraudulent misrepresentations of campaign authority, and coercion of contributions; to provide penalties for the violation of the provisions of this act; to require that certificates of election be withheld under certain circumstances; and to repeal chapter 22 of Title 17 of the Code of Alabama 1975.

Committee on Judiciary.

By Senator Goodwin:

S. 359. To amend section 36-21-9 of the Code of Alabama 1975, which provides for a card authorizing an honorably retired law enforcement officer to carry a handgun so as to change the issuance of the card from an annual to a permanent basis.

Committee on Judiciary.

By Senator Goodwin:

S. 360. To amend Section 36-22-16 of the Code of Alabama 1975, so as to provide for the compensation of the sheriffs of the several counties in this state.

Committee on Finance and Taxation.

By Senators Manley and Dial:

S. 361. To amend the following Sections of the Code of Alabama 1975, to provide for equitable treatment statewide in all county and municipal sales and use taxation on automotive vehicles and trailers: Section 40-23-2.1 to require that county and municipal sales or use taxes in effect where the purchaser resides or, if a business, where said purchased vehicle is located, shall apply; Sections 11-51-201 and 11-51-203 to relieve licensed automotive dealers from collecting taxes on vehicles required to be registered or licensed with the probate judge; Sections 40-12-4, 40-23-61, 40-23-101 and 40-23-102 to apply in conjunction with, and under the guidance of, Section 40-23-104, Code of Alabama 1975 in cases where automotive vehicles, truck trailers, trailers, semitrailers or travel trailers are sold; and Section 40-29-115 to specify penalties for fraud and misrepresentation of correct vehicle and vehicle owner addresses as provided under this act.

Committee on Governmental Affairs.

By Senator Smith (J):

S. 362. To amend Section 16-13-70 of the Code of Alabama 1975; to provide that warrants issued pursuant thereto may be payable out of, among other things, the proceeds of any privilege, license, franchise or excise tax paid, apportioned or allocated to or for the benefit of the county or city board of education issuing such warrants, including specifically and without limitation the franchise, excise and privilege license taxes authorized to be levied by Section 40-12-4 of the Code of Alabama 1975, any provision or implication of said Section 40-12-4 to the contrary notwithstanding; and to provide that such amendment is declarative of existing law respecting the sources of payment of such warrants heretofore or hereafter issued and that

such amendment shall therefore have both a prospective and a retroactive or retrospective operation.

Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Box:

H. 151. To amend Section 12-14-5, Code of Alabama 1975, which Section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which Section relates to appeals to the circuit court from judgments of municipal courts; to establish an effective date.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 151—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Payne, Campbell, Clark (J), Faulk, and Rains:

H. 130. To amend Section 32-6-150, Code of Alabama 1975, as amended, relating to the issuance and sale of commemorative license tags for Troy State University, so as to provide for such tags to be issued for each public four year college and university located in Alabama to provide for the application, sale, fees and disposition of net revenues generated therefrom; to provide for the design of such tags for such colleges and universities; deletes Section 32-6-152; amends Section 32-6-156; and to provide for an effective date.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 130—to the Committee on Public Welfare

REPORTS OF COMMITTEES

Senator Drinkard, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Drinkard, Rice, Corbett, Holmes, Bedford, Foshee, Campbell, Menton, deGraffenried, Goodwin, Horn, Dial, Langford, Bennett, Manley, Denton, Preuitt, Amari, Parsons, Bishop, Sanders, and Dixon:

S. 287. Relating to state deposits, to create the 1988 George Wallace, Jr., Plan of Linked Deposits; to provide for legislative intent and purpose; to provide for definitions; to authorize the state treasurer to use a certain percentage of state funds for the Plan; to authorize the treasurer to enter into agreements with participating lending institutions of this state whereby the state makes deposits with participating lending institutions at rates of interest lower than the prevailing market rates of interest in return for the commitment of the lending institution to lend equal amounts of funds to eligible agricultural and business borrowers at similarly reduced rates of interest with the objective of stimulating agriculture and business and preserving or creating jobs for Alabama citizens; to establish criteria for qualifying for such low interest loans; to provide for amounts and terms of such loans; to provide for the pricing of such linked deposits and the loans upon which they are based; to provide for application forms and procedures for such loans; to require annual reporting by the treasurer to the legislature regarding the Plan; and to specifically terminate the Plan September 30, 1991, unless the legislature extends it.

By Senators Dixon, Manley, and Dial:

S. 66. To amend Section 5-5A-28, Code of Alabama 1975, as amended, so as to include deposits of trust funds deposited in a bank by its trust department to the list of deposits for which the bank is authorized to pledge assets as security therefor.

By Senators Bishop and Bedsole:

S. 98. To amend §8-15-7, Code of Alabama (1975), which provides for insurance and bonding requirements for public warehouses so as to allow a bond equivalent in lieu of a bond in the form of cash or government bonds; to amend §8-15-10, which provides civil penalties for operating a public warehouse without being licensed, from civil penalties to a Class "B" misdemeanor.

By Senators Bailey, Cabaniss, Preuitt, Campbell, and Hand:

S. 279. To mandate conversion rights for an employee or a member or their surviving spouse or children under a group policy delivered or issued for delivery in this state which provides hospital, surgical or major medical expense insurance or any combination thereof, when said employee or member dies or when said group employee or member's insurance has been terminated for any reason excluding (a) nonpayment of any required contribution by said member or employee, or (b) replacement of any discontinued group coverage with similar group coverage within 31 days; to prescribe certain benefit levels and the scope of coverage to be contained within the converted policy; to allow optional insurance coverage in the converted policy; to allow for reduction of coverage in the converted policy due to Medicare coverage

or coverage under any other state or federal law providing for benefits similar to those provided by the converted policy; to determine the amount and payment of the premium for the converted policy; to allow for optional group coverage in lieu of the issuance of a converted individual policy and to allow an insurer to request certain information in advance of the date any premium is due for said converted policy.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Goodwin:

S. 7. To provide for the establishment and administration of a working capital fund, from certain revenues in the State Road and Bridge Fund, so as to pay claims against the State Highway Department's self-insurance program, pursuant to Section 23-1-41, Code of Alabama 1975, as amended, in the event that the Director of the Highway Department with the approval of the Governor elects to administer this program with Highway Department personnel; and to provide procedures for the establishment and operation of said working capital fund.

By Senators Denton, Menton, Covington, and Foshee:

S. 151. To make further provisions for the issuance of obligations by Alabama Federal Aid Highway Finance Authority by amending Sections 23-1-300, 23-1-301, 23-1-306, 23-1-307, 23-1-313, 23-1-314, and 23-1-317, Code of Alabama 1975, so as to provide for the issuance and use of proceeds of obligations of the Authority for the purpose of anticipating and providing for the federal share of the cost of replacing bridges on the state highway system; and to provide that pledges made of the proceeds from the taxes and fees referred to in this section shall, with respect to each obligation issued hereunder, be subject and subordinate to: (1) all pledges of the proceeds of the said taxes and fees lawfully made as security for any bonds issued prior to December 1, 1986, by the Authority; and (2) any refunding bonds that may be issued by the Authority after December 1, 1986, for the purpose of refunding any of the aforementioned bonds.

By Senators Bennett and Bedford:

S. 102. To provide for the investment of the ad valorem taxes collected by the ad valorem tax officials of this State, to provide for the distribution of interest on such investment, to establish a fund out of a portion of the interest on said investments for the use of said officials, and to specify certain uses and restrictions on the use of said fund.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Bennett and Bedford (With Amendment):

S. 103. To provide for the correction of errors made in the assessment, computation, calculation and collection of ad valorem taxes, including penalties for fees due thereon and any mechanical errors found in the tax return, and to further provide for the refund of overpayments due to such errors.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Denton:

S. 148. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1989, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

By Senator Menton:

S. 184. Relating to capitol police officers to be assigned to the legislature; to provide that the director of finance shall assign one capitol police officer to each house of the legislature on a full-time basis and he shall assign one additional capitol police officer to each house of the legislature when the legislature is in session; to provide for the reimbursement of costs by the legislature quarterly; and to provide for the supervision of the police officers so assigned.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Bailey, Bishop, Amari, Campbell, Bedford, and Bennett (With Substitute) (With Amendment):

S. 274. To further amend Section 26-16-31, Code of Alabama 1975, as amended, relating to state income tax refund designation for the children's trust fund, so as to increase the allowable contribution, and to allow the state child abuse and neglect prevention board to make adjustments thereto from time to time.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford:

S. 185. To amend Sections 36-27A-1 and 36-27A-5, Code of Alabama 1975, so as to allow public officials or employees of the State of Alabama, or any political subdivision thereof, to participate in the Public Employees' Individual Retirement Account Fund and to provide for additional non deductible contributions.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Ellis:

S. 21. To amend further Code of Alabama 1975, Section 32-5-313, relating to penalties for traffic infractions which provide funding for the

driver education and training fund and the Alabama Traffic Safety Center Fund; so as to provide that the expenditures of funds used to support programs of the Alabama Traffic Safety Center shall not be controlled by the state department of education or any institution under its control, retroactively effective to August 8, 1987.

By Senator Hale:

S. 34. To amend §36-19-3, Code of Alabama 1975, which relates to the duties and obligations of persons deemed assistants to the fire marshal, so as to exempt said persons from liability for civil damages as a result of their acts or omissions in performing such duties and obligations.

By Senator Denton:

S. 53. To amend Section 4 of Act No. 87-603, H. 251, 1987 Regular Session [(Acts 1987, p. 1047), now appearing as section 13A-12-213, Code of Alabama 1975], relating to the unlawful possession of marihuana in the first degree, so as to include possession of marihuana on school premises within the offense.

By Senators Campbell and Bedsole:

S. 63. To amend Section 33-5-24, Code of Alabama 1975, relating to the operation of vessels and certain other devices, so as to provide that no person shall operate any vessel or certain other device on the waters of this state under the influence of any controlled substance or when there is 0.10% or more by weight of alcohol in his blood; to provide for the consent to and the administering of chemical tests; and to further provide for penalties for the violation of this section.

By Senators Dixon and Manley:

S. 67. To amend Sections 13A-6-21 and 13A-6-22, Code of Alabama 1975, which provide for the crime of assault, so as to provide that an assault with intent to prevent peace officers from performing a lawful duty that causes physical injury to any person shall be a Class C felony.

By Senators Cabaniss, Hand, Ellis, and Denton:

S. 72. To limit the amount of bituminous plant mix which may be purchased or used on any highway construction project when the utilization or use of the bituminous plant mix will be or is accomplished by personnel of the highway department working on the project.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Cabaniss, Manley, and deGraffenried (With Substitute):

S. 112. To amend Section 43-2-502 of the Code of Alabama 1975, relating to the filing of accounts by executors or administrators, so as to provide that the written evidence in the possession of an executor or administrator on which the executor or administrator relies to sustain the credit side of the account may consist of an affidavit or any other legal evidence, in the discretion of the executor or administrator.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and

ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford (With Amendment):

S. 120. To amend Section 14-9-41, Code of Alabama 1975, to allow certain persons who have been sentenced to 15 years or less to receive the benefits of correctional incentive time and to provide that correctional incentive time benefits shall not apply to any minimum term of confinement that may be ordered pursuant to the provisions of Section 15-18-8, Code of Alabama 1975.

Senator Preuit, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Hand, Mitchem, Denton, Foshee, Preuit, Holmes, Manley, Dial, Cabaniss, Menton, Bailey, Bedsole, Drinkard, Hale, Rice, deGraffenried, Smith (B), Barron, and Dixon:

S. 142. Relating to all civil actions in tort, contract or otherwise against architects and engineers, and against builders who construct or perform or manage construction of an improvement on or to real property designed by and constructed under the supervision of, or constructed in accordance with, the plans and specifications prepared by, an architect or engineer, arising out of any defect or deficiency in the design, planning, testing, supervision, administration or observation of construction of an improvement on or to real property, or arising out of any defect or deficiency in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than seven years after the substantial completion of construction of an improvement on or to the real property; to provide when a cause of action accrues or arises; to provide that this act does not apply to causes of action which have accrued prior to its effective date; to provide that this act does not create any cause of action against such architects or engineers or builders or any other persons; to exclude causes or rights of action against manufacturers of products; to extend the bar of causes or rights of actions for breach of contract arising out of written express warranties to coincide with the period thereof; to define terms and to repeal all conflicting laws.

By Senators Hand, Denton, Foshee, Preuit, Mitchem, Manley, Holmes, Dial, Cabaniss, Menton, Bailey, Bedsole, Drinkard, Hale, Rice, deGraffenried, Smith (B), Barron, and Dixon:

S. 144. Relating to all civil actions in tort, contract or otherwise against materialmen who provide labor, material and supplies used in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than seven years after the substantial completion of construction of an improvement on or to the real property; to provide when a cause of action accrues or arises; to provide that this act applies to causes of action which have accrued prior to its effective date; to provide that this act does not create any cause of action against materialmen or any other person; to define terms; and to repeal all conflicting laws.

By Senators Bedsole, Campbell, Dial, Menton, Foshee, Manley, Cabaniss, Hale, Parsons, Holmes, Covington, Bishop, Mitchem, Langford, Preuitt, Barron, Ellis, Denton, Dixon, and Smith (B):

S. 172. To amend Section 13A-7-29, Code of Alabama 1975, which provides for the crime of criminal littering, so as to provide further for said offenses and the penalties for violations thereof.

By Senator Smith (J):

S. 180. To provide that any person convicted of certain crimes of violence or serving certain sentences shall not be eligible for work release.

By Senator Smith (J):

S. 192. To amend Code of Alabama 1975, §13A-6-4, to provide that criminally negligent homicide is a Class C felony instead of a Class A misdemeanor.

By Senators Barron, Bedford, Mitchem, Dial, Bennett, Manley, Amari, Bedsole, Hand, Langford, Hale, Dixon, Ellis, deGraffenried, Cabaniss, Campbell, Denton, and Menton:

S. 248. To provide for the crime of AIDS assault; to define the crime; and to set the punishment.

Senator Bishop, Chairperson of the Standing Committee on Natural Resources, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Covington:

S. 306. Relating to the further regulation of liquefied petroleum gas and the powers, duties and authority of the Liquefied Petroleum Gas Board; to amend Sections 9-17-100, 9-17-101, 9-17-102, 9-17-104, 9-17-105, 9-17-106, 9-17-107, 9-17-108 and 9-17-109 of the Code of Alabama 1975, as amended; and to provide for administrative remedies with rights to appeal for correcting noncompliance with law and with regulations of the Liquefied Petroleum Gas Board.

By Senator Goodwin:

S. 10. To amend Section 9-17-6, Code of Alabama 1975, which relates to the state oil and gas board, so as to authorize the board to regulate enhanced recovery methods, including Class II injection wells; and to delegate power and authority to a hearing officer; to amend Section 9-17-24, Code of Alabama 1975, which provides for notification and filing fees prior to drilling wells, so as to authorize the board to collect filing fees and application fees, to establish the Alabama State Oil and Gas Board Special Fund, and to provide that well permit fees, filing fees and application fees shall be paid into the State Oil and Gas Board Special Fund.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Ellis (With Amendment):

S. 160. To amend §16-8-3 and §16-8-4, Code of Alabama, 1975, relating to the scheduling of regular meetings and annual public meetings of county boards of education.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Campbell, Hale, and Amari (With Substitute):

S. 97. To require the posting of personnel vacancy notices by all public school systems and certain educational institutions at each school campus or work site at least 20 calendar days or 15 workdays before such personnel positions are to be filled.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Hand, Cabaniss, Rice, Barron, Dial, and Dixon (With Amendment):

S. 143. To amend §16-24-5, Code of Alabama, 1975, to provide that any teacher on continuing service status may be transferred by being given written notice of such intention to transfer by the employing board.

Senator deGraffenried, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator deGraffenried:

S. 295. To amend Sections 10-2A-70.1 and 10-2A-70.2, Code of Alabama 1975, which relate to giving aid or contributions to a political party or candidate; so as to allow corporations which own, control or operate a railroad to make certain political contributions.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Ellis, Bedsole, Denton, Hand, Cabaniss, Dial, Campbell, and Menton:

S. 157. To amend Section 9-11-32, Code of Alabama 1975, relating to the license year for hunting and fishing licenses, so as to provide further for said license year; and amends Section 9-11-33, Code of Alabama 1975, relating to the numbering, delivery, and return of hunting and fishing licenses, so as to further provide for the delivery and return of said licenses.

By Senators Bailey, Bedsole, Bedford, Dial, Holmes, Bishop, and Campbell:

S. 276. To provide for (a) the letter permitting of an operation of "commercial fee fishing ponds"; (b) the exemption of certain persons from otherwise applicable state fishing license requirements; (c) the prohibition of selling or offering to sell or trading or offering to trade any fish taken from said ponds, except as otherwise provided by law; and (d) to provide penalties for the violation thereof and rules and regulations promulgated pursuant thereto.

By Senators Ellis, Bedsole, Dial, Hand, and Denton:

S. 158. To amend Section 9-11-45, Code of Alabama 1975, relating to a special license to hunt deer or turkey on state operated wildlife management areas, so as to provide for and increase the nonresident license fee.

By Senators Hand, Campbell, Bedsole, Ellis, and Rice:

S. 140. To amend Section 33-5-13, Code of Alabama 1975, relating to the term of certain certificates and licenses issued by the marine police division of the department of conservation and natural resources, so as to provide for a staggered vessel registration system.

By Senator Denton:

S. 153. To amend Section 9-11-257, Code of Alabama 1975, relating to hunting within 100 yards of highways, so as to provide that no person, except a duly authorized law enforcement officer acting in the line of duty shall discharge any firearm across any public road, and to provide penalties for the violation thereof.

By Senator Ellis:

S. 325. To amend Section 9-11-47, Code of Alabama 1975, relating to nonresident "all game hunt license" to raise the fee for said license from \$175.00 to \$200.00.

By Senator Holmes:

S. 316. To declare that all conveyances and vehicles of transportation, including trailers and semi-trailers, horses, or any other equipment, together with all harness or other accessories used in the perpetration of livestock theft, be contraband and forfeited to the State Department of Agriculture and Industries; to allow Livestock Theft Investigators and other officers to seize property used in the perpetration of livestock theft and report said seizure to the District Attorney; to require that the District Attorney institute condemnation proceedings against property in the same manner as condemnation proceedings against property used to transport illegal alcoholic beverages; to require that the proceeds from the sale of such property be paid into the state agricultural fund; to allow lienholders with a perfected security interest under the Uniform Commercial Code to recover the property after payment of expenses.

By Senators Bedsole and Hale:

S. 283. To amend Section 9-11-65, Code of Alabama 1975, relating to lifetime resident hunting, fishing and combination licenses, so as to increase the fees for said licenses.

By Senators Bedsole and Hale:

S. 282. To amend Sections 9-11-44 and 9-11-53, Code of Alabama 1975, which provide for game and fish, hunting and fishing licenses, so as to increase the license fees, delete an exemption relating to fishing by certain county residents, increase the penalties for violations, and authorize the issuance of licenses on a combination basis.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with

a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Dial:

S. 41. To amend Section 37-4-23 of the Code of Alabama 1975, to further provide for the disposition and disbursement of inspection and supervision fees of utilities collected thereunder.

By Senator Dial:

S. 47. To require pipeline facilities transporting hazardous liquids and/or liquefied natural gas (LNG) and facilities used in the liquification of natural gas to comply with certain standards of safety; granting certain additional rights, powers and authority to the Alabama Public Service Commission to carry out the purposes of this Act; prescribing jurisdictions of courts for injunction proceedings; and prescribing monetary sanctions for violations of certain standards of safety.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Dial (With Amendment):

S. 48. To amend Section 36-21-8 of the Code of Alabama 1975, relating to certain retirement benefits for law enforcement officers so as to allow such benefits to retiring members of the Alabama Public Service Commission Motor Carrier Enforcement Division.

By Senator Dial (With Amendment):

S. 51. To amend Section 37-1-66, Code of Alabama 1975, to give full police power to members of the Enforcement Division of the Public Service Commission, except in the execution of search warrants.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Dial (With Substitute):

S. 60. Relating to water quality and protection; to authorize the Alabama Department of Environmental Management to establish a regulatory program for underground storage tanks and to establish a state program to protect wellhead areas of public water supply systems from contaminants which may have an adverse effect on the health of persons; to amend Section 22-22A-5, Code of Alabama 1975, which relates to the powers and functions of the Department, so as to prescribe penalties for violations of this act; and to authorize said Department to promulgate rules and regulations to carry out the purposes of this act.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a

favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Rice:

S. 199. To provide that a utility may recover damages from any person who knowingly interferes with any meter or other recording device belonging to a utility, who knowingly diverts utility services or who intentionally and without authority uses utility services; to provide for the measure of damages which may be recovered by the utility in any such civil action.

Senator Foshee, Vice Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Campbell (With Notice and Proof):

H. 67. Relating to the City of Anniston in Calhoun County; amending Act No. 404, S. 430, 1953 Regular Session, as amended, which establishes the council-manager form of government, so as to provide further for the compensation of the members of the city council.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 110. To create the Alabama Workmen's Compensation Self-Insurers Guaranty Association; to provide for the membership and duties of the board of directors of the association; to establish an insolvency fund; to establish procedures by which claims may be filed and paid; and to provide that the department of industrial relations shall regulate the association.

Also:

S. 55. To amend Section 40-12-252, Code of Alabama 1975, relating to the annual license taxes and registration for certain trailers, so as to provide an option of five-year registration for truck trailers, tractor trailers or semitrailers.

BILL DRINKARD,
Chairperson.

MOTIONS IN WRITING

Senator Smith (J) offered the following Motions in Writing, to-wit:

I move that the Bill, S. B. 94, on page 8 of the 4th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, S. B. 178, on page 9 of the 4th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which were adopted, and the President and Presiding Officer of the Senate ordered said Bills, S. B.'s 94 and 178, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 41. COMMENDING THE LIMESTONE COUNTY HUMAN RESOURCES DEPARTMENT FOR SECURING PASSAGE OF ACT NO. 87-597, "THE HEARSAY EVIDENCE BILL AND DEPENDENCY HEARING CHILD ABUSE."

Also:

S. R. 42. COMMENDING W. R. COLLINS OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND SERVICE.

Which were filed.

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. Anne W. Rhone to the Tuscaloosa County Civil Service Board

On motion of Senator deGraffenried, the appointment of Mrs. Rhone was confirmed by the Senate.

Yeas 22; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Menton	
Amari	Dial	Hale	Preuitt	
Bailey	Dixon	Hand	Rice	
Bedsole	Drinkard	Holmes	Sanders	
Bishop	Ellis	Langford	Smith (J)	
Campbell	Foshee	Manley		—22

Nays: —0

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Walter B. Lawson to the Tuscaloosa City Civil Service Board

On motion of Senator deGraffenried, the appointment of Mr. Lawson was confirmed by the Senate.

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Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Preuitt	
Bedsole	Dial	Hand	Rice	
Bennett	Dixon	Holmes	Smith (J)	
Bishop	Drinkard	Langford		—22

Nays: —0

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 11. REQUESTING THE STATE HIGHWAY DEPARTMENT TO CONSTRUCT AN INTERCHANGE ON INTERSTATE 565 AT BROWNS FERRY ROAD IN LIMESTONE COUNTY.

On motion of Senator Smith (J), said Resolution was re-committed to the Standing Committee on Rules.

BILL RECONSIDERED

On motion of Senator Dial, the Senate reconsidered the vote by which the Bill, S. B. 38, as amended, was passed.

On motion of Senator Dial, the Senate reconsidered the vote by which the Bill, S. B. 38, as amended, was ordered to its third reading.

On motion of Senator Dial, the Senate reconsidered the vote by which the Corbett amendment was adopted.

And on motion of Senator Dial, said amendment was laid on the table.

On motion of Senator Dial, the Senate reconsidered the vote by which the Parsons substitute was adopted.

And on motion of Senator Dial, said substitute was laid on the table.

Senator Dial then offered the following substitute for the Bill, S. B. 38, to-wit:

SUBSTITUTE FOR S. B. 38

**A BILL
TO BE ENTITLED
AN ACT**

To authorize and empower the public service commission to impose a surcharge on customers of telephone companies in the State in order to provide telephone service to persons with hearing and speech impairments.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Alabama Public Service Commission shall impose a surcharge on each access line of each customer of the local exchange companies operating in Alabama to fund a dual-party relay system whereby a deaf or

hearing-impaired person may communicate with other such persons or with normal hearing persons via telephone.

Section 2. The Alabama Public Service Commission shall establish the amount to be imposed based on the amount of funding necessary to implement and maintain such system. However, no additional fees other than said surcharge may be imposed on any user of this deaf and hearing-impaired service.

Section 3. The local exchange companies shall collect the surcharge from their customers and transfer the monies collected to a private fund to be held separate from all other funds and used solely for the administration of this system. The surcharge collected by the local exchange companies from their customers shall not be subject to the Utility Gross Receipts Tax levied under Sections 40-21-80 through 40-21-87 of the Code of Alabama 1975, or the Utility Use Tax levied under Sections 40-21-100 through 40-21-107 of the Code of Alabama 1975, nor shall such collections be included in the Gross Receipts subject to tax under Section 40-21-58 of the Code of Alabama 1975, or the Supervision and Inspection Fees under Sections 37-4-23 and 37-4-24 of the Code of Alabama 1975.

Section 4. The Alabama Public Service Commission shall be charged with implementation of such dual-party relay system within the state and shall establish the procedures for continuation of same.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Langford	
Amari	Corbett	Foshee	Menton	
Bennett	deGraffenried	Goodwin	Preuitt	
Bishop	Denton	Hale	Rice	
Cabaniss	Dial	Hilliard	Smith (B)	—19

Nays: —0

And said Bill, S. B. 38, as thus amended by the substitute, was again read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Holmes	
Amari	Corbett	Foshee	Langford	
Bailey	deGraffenried	Goodwin	Preuitt	
Bennett	Denton	Hale	Rice	
Bishop	Dial	Hilliard	Smith (B)	
Cabaniss				—20

Nays: —0

RESOLUTIONS

Senators deGraffenried, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, Denton, Dial, Dixon,

Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Resolution, to-wit:

S. R. 43. COMMENDING ROBBIE THOMPSON OF MONTGOMERY, ALABAMA, A WORLD RACQUETBALL CHAMPION.

Which was filed.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 44. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fourth legislative day of the 1988 Regular Session only:

Inst Id	Page No.
S. 197	11
Alcoholic beverages, suppliers' and wholesalers' relations, arbitration and prohibited acts	
S. 127	3
Trusts, separate auth. under generation-skipping, transfer tax	
S. 9	6
Retired probate judges, auth. to perform marriage ceremonies, Sec. 30-1-7 am'd	
S. 23	16
Alabama Family Medical Catastrophe Fund and Alabama Family Medical Catastrophe Board, estab.	
S. 69	18
Municipal expenditures, new or increased, delayed until new fiscal year, referendum, consti. amend.	
S. 14	8
Deaf or blind, interpreters provided in ct. cases, Sec. 12-21-131 am'd.	
S. 119	2
Consumer loans, default on, add'l. charges alt., Sec. 5-19-4 am'd.	
S. 146	21
Fire protection personnel and firefighters, time extended for mun and cos. to recover training expenses, Sec. 36-21-7 am'd	
S. 177	6
Crime of falsely reporting an incident, penalty incr. to felony, Sec. 13A-11-11 am'd.	

S. 122	15
Municipalities, business license tax, issuing fee and penalties increased, Secs. 11-51-90 and 11-51-93 am'd.	
S. 61	9
Forest products, records further provided, fine incr., Sec. 9-13-63 am'd.	
S. 188	4
Dentists, regulations further provided re advertising by others auth. with notice, fees for anesthesia and intravenous sedation incr., Secs. 34-9-19, 34-9-60, 34-9-61, 34-9-63, 34-9-64 am'd.	
S. 68	18
Municipal and county funds, investment reg., Sec. 11-81-21 am'd	
S. 54	12
Education, Career Incentive Program Act repealed, Secs. 16-24A-1 thru 16-24A-29 repealed	
S. 121	19
Competitive bidding on contracts, amount increased to \$3,000 for conformity, Secs. 41-16-54 and 41-16-55 am'd	
S. 105	19
Mayor allowed to appoint a person on planning commission in his stead, Sec. 11-52-3 am'd.	
S. 116	5
Infants and incompetents, uniform guardianship laws, Secs. 26-2A-6, 26-2A-7, 26-2A-8, 26-2A-73, 26-2A-138, and 26-2A-313 am'd.	
S. 174	15
Huntsville Depot desig. as official railway museum	
S. 132	3
Medical licenses, revocation of, not suspended pending review under Admin. Procedure, Sec. 34-24-367 am'd.	
S. 71	10
Marine resources and recreational licensing and fees thereof further prov. for and making dispos. of such funds, Sec. 9-12-81, 9-12-86, 9-12-88, 9-12-89, 9-12-90, 9-12-91 and 9-12-114 amd., various secs. rep.	
S. 134	20
Historical preservation, commissions and architectural review bds. for cos. and muns., operations, powers, and exceptions	

Senator Hilliard offered the following substitute for the Resolution, S. R. 44, to-wit:

SUBSTITUTE FOR S. R. 44

S. R. 44. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fourth legislative day of the 1988 Regular Session only:

Inst Id	Page No.
S. 99	
Sick leave	
S. 127	3
Trusts, separate auth. under generation-skipping, transfer tax	
S. 9	6
Retired probate judges, auth. to perform marriage ceremonies, Sec. 30-1-7 am'd	
S. 23	16
Alabama Family Medical Catastrophe Fund and Alabama Family Medical Catastrophe Board, estab.	
S. 69	18
Municipal expenditures, new or increased, delayed until new fiscal year, referendum, consti. amend.	
S. 14	8
Deaf or blind, interpreters provided in ct. cases, Sec. 12-21-131 am'd.	
S. 119	2
Consumer loans, default on, add'l. charges alt., Sec. 5-19-4 am'd.	
S. 146	21
Fire protection personnel and firefighters, time extended for mun and cos. to recover training expenses, Sec. 36-21-7 am'd	
S. 177	6
Crime of falsely reporting an incident, penalty incr. to felony, Sec. 13A-11-11 am'd.	
S. 122	15
Municipalities, business license tax, issuing fee and penalties increased, Secs. 11-51-90 and 11-51-93 am'd.	
S. 61	9
Forest products, records further provided, fine incr., Sec. 9-13-63 am'd.	

S. 188	4
Dentists, regulations further provided re advertising by others auth. with notice, fees for anesthesia and intravenous sedation incr., Secs. 34-9-19, 34-9-60, 34-9-61, 34-9-63, 34-9-64 am'd.	
S. 68	18
Municipal and county funds, investment reg., Sec. 11-81-21 am'd	
S. 54	12
Education, Career Incentive Program Act repealed, Secs. 16- 24A-1 thru 16-24A-29 repealed	
S. 121	19
Competitive bidding on contracts, amount increased to \$3,000 for conformity, Secs. 41-16-54 and 41-16-55 am'd	
S. 105	19
Mayor allowed to appoint a person on planning commission in his stead, Sec. 11-52-3 am'd.	
S. 116	5
Infants and incompetents, uniform guardianship laws, Secs. 26- 2A-6, 26-2A-7, 26-2A-8, 26-2A-73, 26-2A-138, and 26-2A-313 am'd.	
S. 174	15
Huntsville Depot desig. as official railway museum	
S. 132	3
Medical licenses, revocation of, not suspended pending review under Admin. Procedure, Sec. 34-24-367 am'd.	
S. 71	10
Marine resources and recreational licensing and fees thereof further prov. for and making dispos. of such funds, Sec. 9-12- 81, 9-12-86, 9-12-88, 9-12-89, 9-12-90, 9-12-91 and 9-12-114 amd., various secs. rep.	
S. 134	20
Historical preservation, commissions and architectural review bds. for cos. and muns., operations, powers, and exceptions	
On motion of Senator Drinkard, said substitute was laid on the table.	
Senator Bishop offered the following substitute for the Resolution, S. R. 44, to-wit:	

SUBSTITUTE FOR S. R. 44**S. R. 44. SPECIAL ORDER CALENDAR.**

RESOLVED BY THE SENATE That the following bills in the order
named shall be the paramount and continuing order of business taking

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precedence over all other matters upon reaching bills on third reading for the fourth legislative day of the 1988 Regular Session only:

Inst Id	Page No.
S. 197	11
Alcoholic beverages, suppliers' and wholesalers' relations, arbitration and prohibited acts	
S. 127	3
Trusts, separate auth. under generation-skipping, transfer tax	
S. 9	6
Retired probate judges, auth. to perform marriage ceremonies, Sec. 30-1-7 am'd	
S. 23	16
Alabama Family Medical Catastrophe Fund and Alabama Family Medical Catastrophe Board, estab.	
S. 69	18
Municipal expenditures, new or increased, delayed until new fiscal year, referendum, consti. amend.	
S. 14	8
Deaf or blind, interpreters provided in ct. cases, Sec. 12-21-131 am'd.	
S. 119	2
Consumer loans, default on, add'l. charges alt., Sec. 5-19-4 am'd.	
S. 99	
S. 146	21
Fire protection personnel and firefighters, time extended for mun and cos. to recover training expenses, Sec. 36-21-7 am'd	
S. 177	6
Crime of falsely reporting an incident, penalty incr. to felony, Sec. 13A-11-11 am'd.	
S. 122	15
Municipalities, business license tax, issuing fee and penalties increased, Secs. 11-51-90 and 11-51-93 am'd.	
S. 61	9
Forest products, records further provided, fine incr., Sec. 9-13-63 am'd.	
S. 188	4
Dentists, regulations further provided re advertising by others auth. with notice, fees for anesthesia and intravenous sedation incr., Secs. 34-9-19, 34-9-60, 34-9-61, 34-9-63, 34-9-64 am'd.	

S. 68	18
Municipal and county funds, investment reg., Sec. 11-81-21 am'd	
S. 54	12
Education, Career Incentive Program Act repealed, Secs. 16-24A-1 thru 16-24A-29 repealed	
S. 121	19
Competitive bidding on contracts, amount increased to \$3,000 for conformity, Secs. 41-16-54 and 41-16-55 am'd	
S. 105	19
Mayor allowed to appoint a person on planning commission in his stead, Sec. 11-52-3 am'd.	
S. 116	5
Infants and incompetents, uniform guardianship laws, Secs. 26-2A-6, 26-2A-7, 26-2A-8, 26-2A-73, 26-2A-138, and 26-2A-313 am'd.	
S. 174	15
Huntsville Depot desig. as official railway museum	
S. 132	3
Medical licenses, revocation of, not suspended pending review under Admin. Procedure, Sec. 34-24-367 am'd.	
S. 71	10
Marine resources and recreational licensing and fees thereof further prov. for and making dispos. of such funds, Sec. 9-12-81, 9-12-86, 9-12-88, 9-12-89, 9-12-90, 9-12-91 and 9-12-114 amd., various secs. rep.	
S. 134	20
Historical preservation, commissions and architectural review bds. for cos. and muns., operations, powers, and exceptions	
Which was lost.	

Yeas 12; Nays 16.

Yeas:

Senators:	Denton	Hilliard	Menton
Bishop	Foshee	Holmes	Parsons
Campbell	Goodwin	Langford	Rice
Corbett			

—12

Nays:

Senators:	deGraffenried	Ellis	Manley
Bailey	Dial	Hale	Preuitt
Barron	Dixon	Hand	Smith (B)
Bedsole	Drinkard	Horn	Smith (J)
Cabaniss			

—16

And on motion of Senator Drinkard, said Resolution was then adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Rice, B. I. R., S. B. 197, adopted.

Yeas 21; Nays 1.

Yeas:

Senators:	Denton	Goodwin	Menton
Barron	Dial	Hale	Preuitt
Bedsole	Dixon	Hand	Rice
Bennett	Drinkard	Holmes	Smith (B)
Campbell	Ellis	Manley	Smith (J)
deGraffenried	Foshee		

—21

Nay: Senator Parsons —1

SPECIAL ORDER

BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 197. Relating to alcoholic beverages; to provide for business relations between suppliers and wholesalers of beer; to require written agreements setting forth in full the supplier's agreement with the wholesaler, and designating a specific exclusive sales territory; to provide for prohibited acts by the supplier and by the wholesaler; to provide for conditions of amendment, modification, resignation, cancellation, termination, failure to renew or refusal to continue said agreement; to provide for the transfer of wholesaler's business, for the establishment of nondiscriminatory, material and reasonable qualifications and standards by supplier, and prohibit interference with the transfer upon compliance with those standards; to provide for reasonable compensation upon supplier's violation of the act, including method of voluntary arbitration; to provide for civil actions for violations, damages and venue; to provide for the burden of proof; to provide that the wholesaler may not waive rights set forth in this act; to provide that the act relates to existing and future agreements, transferee of wholesaler continuing under written agreement, and supplier's successor; and to provide that this act is cumulative.

And said Bill, S. B. 197, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Menton
Amari	deGraffenried	Goodwin	Parsons
Bailey	Denton	Hale	Preuitt
Barron	Dial	Hand	Rice
Bedsole	Dixon	Holmes	Smith (B)
Bennett	Drinkard	Langford	Smith (J)
Campbell	Ellis	Manley	

—26

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 24. DESIGNATING THE ANNUAL "FAIRE" IN FLOR-
ENCE AS ALABAMA'S OFFICIAL RENAISSANCE FAIRE.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 24. DESIGNATING THE ANNUAL "FAIRE" IN FLOR-
ENCE AS ALABAMA'S OFFICIAL RENAISSANCE FAIRE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., S. B. 127, adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Manley
Barron	Dial	Hand	Menton
Bedsole	Dixon	Holmes	Preuitt
Bennett	Drinkard	Horn	Rice
Cabaniss	Ellis	Langford	Smith (J)
Campbell			

—20

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 127. To authorize (and in certain circumstances to require) a fiduciary to make certain elections or to divide or keep separate a trust or estate in light of the generation-skipping transfer tax, to be effective with respect to transfers in trust, and decedents dying, on and after January 1, 1987.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 24; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Menton
Barron	Dial	Hand	Parsons
Bedsole	Dixon	Holmes	Preuitt
Bennett	Drinkard	Horn	Rice
Cabaniss	Ellis	Langford	Smith (B)
Campbell	Goodwin	Manley	Smith (J)
Corbett			

—24

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., S. B. 9, adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Hand	Manley
Barron	Dixon	Hilliard	Menton
Bedsole	Ellis	Holmes	Preuitt
Bennett	Goodwin	Horn	Smith (B)
Cabaniss	Hale	Langford	Smith (J)
Campbell			

—20

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 9. To amend Section 30-1-7, Code of Alabama 1975, relating to persons authorized to solemnize marriages, so as to authorize retired probate judges to solemnize marriages.

was taken up.

Senator Goodwin offered the following amendment to the Bill, S. B. 9, to-wit:

AMENDMENT TO S. B. 9

Amend Senate Bill No. 9, Page 1, Line 29, by striking out after the word or the following:

“a”

And inserting the following:

any retired Judge of the Supreme Court, retired Judge of the Court of Criminal Appeals, retired Judge of the Court of Civil Appeals, retired Judge of the Circuit Court, retired Judge of the District Court within this state and

Further amend S. B. 9, Page 1, Line 11, by inserting the following after the word “judges”

“Judges of the Supreme Court, Judges of the Court of Criminal Appeals, Judges of the Court of Civil Appeals, Judges of the Circuit Court, Judges of the District Court within the State of Alabama”

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	Dial	Hand	Menton	
Bedsole	Dixon	Hilliard	Preuitt	
Bennett	Drinkard	Holmes	Rice	
Campbell	Ellis	Horn	Smith (B)	
Corbett	Goodwin	Langford	Smith (J)	
deGraffenried	Hale	Manley		—22

Nays: —0

And said Bill, S. B. 9, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Parsons	
Bennett	Dial	Hale	Preuitt	
Cabaniss	Dixon	Holmes	Rice	
Campbell	Drinkard	Horn	Smith (B)	
Corbett	Ellis	Manley	Smith (J)	—19

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Holmes, B. I. R., S. B. 23, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Denton	Hale	Preuitt	
Bennett	Dial	Holmes	Rice	
Cabaniss	Dixon	Horn	Smith (B)	
Campbell	Drinkard	Langford	Smith (J)	
deGraffenried	Goodwin	Manley		—18

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 23. To create the Alabama Family Medical Catastrophe Fund; to create the Alabama Family Medical Catastrophe Fund Board to administer said fund; to provide for the Board's composition, powers, duty and authority; to provide for funding; to provide for income tax refund checkoff donations on state income tax forms with the funds earmarked for the Alabama Family Medical Catastrophe Fund; to provide for the creation of the Alabama Family Medical Catastrophe Fund in the state treasury; and to provide that monies

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in said fund shall not revert to the general fund but shall be encumbered and carried forward into each succeeding state fiscal year.

was taken up.

Senator Holmes offered the following amendment to the Bill, S. B. 23, to-wit:

AMENDMENT TO S. B. 23

Amend Senate Bill No. 23, Page 2, Line 15, by inserting after the word "members." the following:

All rules, regulations and directives issued by this Board shall be subject to review, approved and compliance with the Alabama Administrative Procedures Act.

Further amend Page 1, Line 21, after the word "fund;" the following:
to provide compliance with the Alabama Administrative Procedures Act;
Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Dial	Hale	Preuitt	
Bennett	Dixon	Holmes	Rice	
Corbett	Drinkard	Langford	Smith (B)	
deGraffenried	Ellis	Manley	Smith (J)	
Denton	Goodwin	Menton		—18

Nays: —0

And said Bill, S. B. 23, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Menton	
Bailey	Denton	Hale	Preuitt	
Bedsole	Dial	Holmes	Rice	
Cabaniss	Dixon	Langford	Smith (B)	
Corbett	Ellis	Manley	Smith (J)	—19

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Langford, B. I. R., S. B. 69, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Manley	
Bedsole	Dial	Hale	Menton	
Bennett	Dixon	Hilliard	Preuitt	
Cabaniss	Drinkard	Holmes	Rice	
deGraffenried	Ellis	Langford		—18

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 69. To propose and provide for the submission of an amendment to the Constitution of 1901, as amended; providing that no law whose purpose or effect is to provide for a new or increased expenditure of municipal funds held or disbursed by the municipal governing body shall become effective as to any municipality of this state until the first day of the fiscal year next following the passage of such law unless such law is approved by a resolution duly adopted by and spread upon the minutes of the municipal governing body of the municipality affected thereby, or such law (or other law or laws which specifically refer to such law) provides the respective municipal governing bodies with new or additional revenues sufficient to fund such new or increased expenditures; providing for an election thereon; and prescribing an effective date for the proposed amendment.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Langford	
Bailey	deGraffenried	Goodwin	Manley	
Bedsole	Denton	Hale	Menton	
Bennett	Dial	Hand	Preuitt	
Cabaniss	Dixon	Hilliard	Rice	
Campbell	Ellis	Holmes	Smith (J)	—23

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Menton, B. I. R., S. B. 14, adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Manley	
Bedsole	Dial	Hale	Menton	
Bennett	Dixon	Hand	Preuitt	
Cabaniss	Drinkard	Hilliard	Rice	
Campbell	Ellis	Langford	Smith (J)	
deGraffenried				—20

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 14. To amend Section 12-21-131, Code of Alabama 1975, which relates to interpreters for judicial proceedings for persons defective in speech and/or hearing, so as to provide further for such interpreters.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Dial	Hand	Menton	
Barron	Dixon	Hilliard	Preuitt	
Cabaniss	Drinkard	Holmes	Rice	
Campbell	Ellis	Langford	Smith (B)	
deGraffenried	Goodwin	Manley	Smith (J)	
Denton	Hale			—21

Nays: —0

MOTION IN WRITING

Senator Dial offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 40, on page 14 of the 4th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 40, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Senators Bailey and Dial offered the following Senate Joint Resolution, to-wit:

S. J. R. 45. INVITING UNITED STATES SECRETARY OF EDUCATION, WILLIAM J. BENNETT, TO ADDRESS THE LEGISLATURE.

WHEREAS, a critical issue before this legislature is the education of our children, a priority of enormous urgency to be resolved with dispatch if Alabama is to move forward under the leadership of future generations well-grounded in the basics and with an expanded curriculum requiring additional credit hours in science and mathematics, as well as history, language and the arts; and

WHEREAS, as we move to solve the problems we in Alabama face in public education, and to resolve our approach to adequate funding of same, it is imperative that we be timely and sufficiently informed of national guidelines in this area and of the resolution of like issues by the various states; thus advised and aware, we may then move forward in our united goal of providing Alabama's youth with educational opportunities that equal or exceed those of their counterparts throughout the nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most respectfully request United States Secretary of Education, Mr. William J. Bennett, to address the Alabama Legislature on March 31, 1988, at 10:00 AM, and that we convene in joint session at that hour to hear Secretary Bennett's remarks.

BE IT FURTHER RESOLVED, That Secretary Bennett, by copy of this resolution, be advised of our invitation to address the legislature and of our hopeful anticipation of his acceptance.

Which was read and referred to the Standing Committee on Rules.

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B. I. R., S. B. 119, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Rice	
Bailey	Dial	Hale	Sanders	
Barron	Dixon	Holmes	Smith (B)	
Campbell	Drinkard	Manley	Smith (J)	
deGraffenried	Ellis	Preuitt		—18

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 119. To amend Section 5-19-4, Code of Alabama 1975, relating to consumer finance, so as to require actuarial method of computation on consumer loans and consumer credit sales with an original term of more than 61 months; to provide for the charging and collecting of an amount not to exceed five percent of the original principal balance or total line of credit in consumer credit transactions secured by an interest in real property; to provide that provisions of this act are cumulative to, and not in derogation of rights under other provisions of state and federal law and shall not in any way repeal, amend or modify the provisions of Section 8-8-5, Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Ellis	Manley	
Bedsole	Denton	Goodwin	Rice	
Bennett	Dial	Hale	Sanders	
Cabaniss	Dixon	Holmes	Smith (J)	
Campbell	Drinkard	Langford		—18

Nays: —0**RESOLUTION**

Senator Goodwin requested and received permission to suspend the Rules in order to offer the following Senate Resolution, to-wit:

S. R. 46. ELIGIBILITY OF VOTERS.

BE IT RESOLVED BY THE SENATE OF ALABAMA, That the members of the Executive Committee of the Democratic Party of the State of Alabama be and are hereby advised that it is the desire of the Senate Democratic Caucus—State of Alabama—that all voters shall be eligible to participate in the June Democratic Primaries regardless of how they may have voted in the March Presidential Preferential Primary.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Executive Director of the Alabama Democratic Party.

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Which was adopted.

BUDGET ISOLATION RESOLUTION

Senator Denton, B. I. R., S. B. 146, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Preuitt	
Bedsole	Dixon	Hale	Rice	
Cabaniss	Drinkard	Hand	Sanders	
Campbell	Ellis	Holmes	Smith (J)	
deGraffenried	Foshee	Langford		—18

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 146. To amend Section 36-21-7, Code of Alabama, 1975, by adding thereto fire protection personnel and firefighters; to extend the time in which to recover training expenses to twenty-four months; and to define terms.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Manley	
Bailey	deGraffenried	Hale	Preuitt	
Bedsole	Denton	Hand	Sanders	
Cabaniss	Drinkard	Holmes	Smith (J)	
Campbell	Ellis	Langford		—18

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B. I. R., S. B. 177, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Holmes	
Bailey	deGraffenried	Goodwin	Manley	
Bedsole	Denton	Hale	Preuitt	
Bennett	Dial	Hand	Smith (J)	
Cabaniss	Dixon	Hilliard		—18

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 177. To amend Section 13A-11-11, Code of Alabama 1975, as amended, relating to the crime and penalty for falsely reporting an incident, so as to increase the penalty to a felony.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Manley	
Bailey	Denton	Hale	Preuitt	
Bedsole	Dial	Hand	Sanders	
Bennett	Dixon	Holmes	Smith (J)	
Cabaniss	Drinkard	Langford		—18

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., S. B. 122, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Manley	
Bailey	deGraffenried	Ellis	Preuitt	
Bedsole	Denton	Goodwin	Sanders	
Bennett	Dial	Hale	Smith (J)	
Cabaniss	Dixon	Hand		—18

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 122. To amend Sections 11-51-90 and 11-51-93, Code of Alabama, 1975, so as to increase the fee for issuing a license from \$.50 to \$1.00 and to increase the penalty from \$100.00 to \$500.00 for engaging in a business or vocation without a license or for violating the licensing ordinance and to establish an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Corbett	Drinkard	Langford	
Bailey	deGraffenried	Ellis	Manley	
Bedsole	Denton	Goodwin	Preuitt	
Bennett	Dial	Hale	Sanders	
Cabaniss	Dixon	Hand	Smith (J)	
Campbell				—20

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B. I. R., S. B. 61, adopted.

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Yeas 17; Nays 1.

Yeas:

Senators:	deGraffenried	Goodwin	Preuitt	
Bailey	Dial	Hale	Sanders	
Bedsole	Dixon	Holmes	Smith (B)	
Bennett	Drinkard	Manley	Smith (J)	
Campbell	Ellis			—17

Nay: Senator Corbett —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 61. To amend Section 9-13-63, Code of Alabama 1975, which provides for the maintaining of records of purchases of manufactured forest products, so as to provide further therefor; and to increase the misdemeanor penalty for failure to maintain such records.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Langford	
Amari	Corbett	Foshee	Manley	
Bailey	deGraffenried	Goodwin	Preuitt	
Bedsole	Dial	Hale	Smith (B)	
Bennett	Dixon	Holmes	Smith (J)	
Cabaniss	Drinkard			—21

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Dixon, B. I. R., S. B. 188, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Manley	
Bailey	Dial	Goodwin	Preuitt	
Bedsole	Dixon	Hale	Smith (B)	
Bennett	Drinkard	Hilliard	Smith (J)	
Cabaniss	Ellis	Langford		—18

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 188. To further regulate the advertising by dentists, and the fees of dentists for administering anesthesia intravenous sedation; and to further amend Sections 34-9-19, 34-9-60, 34-9-61, 34-9-63 and 34-9-64, Code of Alabama 1975, as amended, so as to further provide therefor.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 1.

Yeas:

Senators:	Campbell	Foshee	Langford	
Bailey	Dial	Goodwin	Manley	
Bedsole	Dixon	Hale	Preuitt	
Bennett	Drinkard	Hilliard	Smith (B)	
Cabaniss	Ellis	Holmes	Smith (J)	—19

Nay: Senator Corbett —1

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B. I. R., S. B. 68, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Dial	Goodwin	Menton	
Bailey	Dixon	Hale	Preuitt	
Bedsole	Drinkard	Holmes	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Campbell	Foshee	Manley		—18

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 68. To amend Section 11-81-21 of the Code of Alabama 1975, to add thereto other securities in which municipal or county funds not presently needed for other purposes may be invested.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 1.

Yeas:

Senators:	Dial	Hale	Menton	
Bedsole	Dixon	Hilliard	Parsons	
Bennett	Drinkard	Holmes	Preuitt	
Cabaniss	Ellis	Langford	Smith (B)	
Campbell	Foshee	Manley	Smith (J)	
deGraffenried				—20

Nay: Senator Corbett —1

RESOLUTION

Senator Parsons offered the following Senate Resolution, to-wit:

S. R. 47. DESIGNATING FEBRUARY 14, 1988, AS MORNING STAR BAPTIST CHURCH DAY.

Which was filed.

BUDGET ISOLATION RESOLUTION

Senator Dial, B. I. R., S. B. 54, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	deGraffenried	Goodwin	Langford
Bedsole	Dial	Hale	Manley
Bennett	Dixon	Hand	Preuitt
Cabaniss	Drinkard	Holmes	Smith (B)
Campbell	Ellis		

—17

Nay: Senator Corbett —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 54. To repeal Sections 16-24A-1 through 16-24A-29 of the Code of Alabama 1975, as amended, known as the Alabama Performance-Based Career Incentive Program Act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Menton
Amari	deGraffenried	Hale	Parsons
Bailey	Dial	Hand	Preuitt
Bedsole	Dixon	Hilliard	Rice
Bennett	Drinkard	Holmes	Smith (B)
Cabaniss	Ellis	Langford	Smith (J)
Campbell	Foshee	Manley	

—26

Nays: —0

RESOLUTION

Senator Parsons offered the following Senate Joint Resolution, to-wit:

S. J. R. 48. REQUESTING GOVERNOR HUNT TO ACTIVELY PURSUE THE PROJECT OF THE FEDERAL SUPER COLLIDER PROJECT FOR ALABAMA.

WHEREAS, North Alabama is one of the most vibrant regions not only in Alabama, but in the whole country; and

WHEREAS, the area is noted for its research capacity; and

WHEREAS, Gov. Guy Hunt's first choice for the federal super collider project, which will bring billions of dollars to the state that lands it, has been eliminated; and

WHEREAS, Alabama would have been a better choice for the multi-billion dollar project than Mississippi to begin with; and

WHEREAS, a major criterion of federal officials for selection of the site was listed as desirability of the location from the standpoint of living conditions of those to be employed by the project; and

WHEREAS, North Alabama is one of the best places in the whole world in which to live; and

WHEREAS, a number of the more "isolated" areas of North Alabama are located in proximity to urban areas, such as Huntsville, Birmingham, Gadsden and the Quad Cities; and

WHEREAS, neighboring Tennessee is considered a finalist in the competition for the super collider; and

WHEREAS, the resources of Alabama are just as great, if not greater, than those of Tennessee; and

WHEREAS, in its quest for business and industry, Alabama should never be content with the spill-over of jobs from other states; and

WHEREAS, to really be open for business, Alabama must not ignore multi-billion dollar projects.

BE IT FURTHER RESOLVED by the Alabama Senate, the House concurring, that Gov. Guy Hunt be requested to make inquiry about the possibility of a late entry into the sweepstakes for the super collider project and that Alabama actively pursue the project with the full resources of the state.

Which was read and referred to the Standing Committee on Rules.

BUDGET ISOLATION RESOLUTION

Senator Langford, B. I. R., S. B. 121, adopted.

Yeas 18; Nays 1.

Yeas:

Senators:	Dial	Hale	Parsons	
Bailey	Dixon	Hilliard	Preuitt	
Cabaniss	Drinkard	Langford	Rice	
Campbell	Ellis	Manley	Smith (B)	
deGraffenried	Foshee	Menton		—18

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 121. To amend Sections 41-16-54 and 41-16-55, Code of Alabama, 1975, as amended by changing the figure "2,000.00" wherever same appears to the figure "3,000.00" to conform to Section 41-16-50 Code of Alabama, 1975, as heretofore amended.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Menton	
Amari	Dial	Hale	Preuitt	
Cabaniss	Dixon	Hilliard	Rice	
Campbell	Drinkard	Langford	Smith (B)	
Corbett	Ellis	Manley		—18

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B. I. R., S. B. 105, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	Dial	Hale	Menton	
Bailey	Dixon	Hilliard	Preuitt	
Cabaniss	Drinkard	Holmes	Rice	
Campbell	Ellis	Langford	Smith (B)	
deGraffenried	Foshee			—17

Nay: Senator Corbett —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 105. To amend Section 11-52-3, Code of Alabama, 1975, to permit the mayor to appoint a person to sit on the municipal planning commission in his stead and to provide for a term for such person.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Dial	Goodwin	Preuitt	
Cabaniss	Dixon	Hale	Rice	
Campbell	Drinkard	Holmes	Smith (B)	
Corbett	Ellis	Langford	Smith (J)	
deGraffenried	Foshee	Menton		—18

Nays: —0

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 38. To authorize and empower the public service commission to impose a surcharge on customers of telephone companies in the State in order to provide telephone service to persons with hearing and speech impairments.

Also:

S. 9. To amend Section 30-1-7, Code of Alabama 1975, relating to persons authorized to solemnize marriages, so as to authorize retired probate judges to solemnize marriages.

Also:

S. 23. To create the Alabama Family Medical Catastrophe Fund; to create the Alabama Family Medical Catastrophe Fund Board to administer

said fund; to provide for the Board's composition, powers, duty and authority; to provide for funding; to provide for income tax refund checkoff donations on state income tax forms with the funds earmarked for the Alabama Family Medical Catastrophe Fund; to provide compliance with the Alabama Administrative Procedures Act; to provide for the creation of the Alabama Family Medical Catastrophe Fund in the state treasury; and to provide that monies in said fund shall not revert to the general fund but shall be encumbered and carried forward into each succeeding state fiscal year.

BILL DRINKARD,
Chairperson.

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B. I. R., S. B. 116, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	Dial	Goodwin	Langford	
Bailey	Dixon	Hale	Menton	
Cabaniss	Drinkard	Hand	Preuitt	
Campbell	Ellis	Holmes	Rice	
deGraffenried	Foshee			—17

Nay: Senator Corbett —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 116. To provide further for the revision of the guardianship laws of this state by amending Sections 1-106, 1-107, 2-104, 2-309, 2-313 and 2-334 of the Alabama Uniform Guardianship and Protective Proceedings Act, Act No. 87-590, H. 233, which sections appear respectively as sections 26-2A-6, 26-2A-7, 26-2A-73, 26-2A-138, 26-2A-142, and 26-2A-8 of the Code of Alabama 1975 and to be retroactive as of January 1, 1988.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Dixon	Hale	Menton	
Bailey	Drinkard	Hand	Preuitt	
Cabaniss	Ellis	Holmes	Rice	
deGraffenried	Foshee	Langford	Smith (J)	
Dial	Goodwin	Manley		—18

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B. I. R., S. B. 174, adopted.

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Yeas 18; Nays 1.

Yeas:

Senators:	Dixon	Hale	Menton	
Bailey	Drinkard	Hand	Preuitt	
Cabaniss	Ellis	Hilliard	Rice	
Campbell	Foshee	Langford	Smith (J)	
Dial	Goodwin	Manley		—18

Nay: Senator Corbett —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 174. To designate the Huntsville Depot as the Official Railway Museum of Alabama.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Dial	Goodwin	Manley	
Bailey	Dixon	Hale	Preuitt	
Cabaniss	Drinkard	Hand	Rice	
Campbell	Ellis	Hilliard	Smith (B)	
deGraffenried	Foshee	Langford	Smith (J)	—19

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., S. B. 132, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Menton	
Bailey	Dial	Hand	Rice	
Bennett	Dixon	Hilliard	Smith (B)	
Cabaniss	Drinkard	Langford	Smith (J)	
Campbell	Goodwin	Manley		—18

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 132. To amend §34-24-367 Code of Alabama, 1975 to provide that judicial review of the orders and decisions of the Medical Licensure Commission shall be governed by §41-22-20 of the Alabama Administrative Procedure Act provided that the following procedures take precedence over §41-22-20(c) relating to the issuance of a stay or supersedeas pending judicial review of a decision by the Commission to suspend or revoke a license to practice medicine; to express the legislative purpose and intent that the

imposition of the penalty of suspension or revocation of the license to practice medicine creates a presumption that the continuation in practice of the physician constitutes an immediate danger to the public health, safety and welfare; to provide that no stay or supersedeas shall be granted pending judicial review unless the reviewing court finds in writing that the action of the Commission was taken without statutory authority, was arbitrary or capricious, or constituted a gross abuse of discretion; to provide that an order of the Commission temporarily suspending a license to practice medicine shall not be stayed pending judicial review unless the reviewing court finds in writing that the order of the Commission temporarily suspending the license was issued without statutory authority, was arbitrary or capricious, constituted gross abuse of discretion or was made in violation of the requirements of §41-27-19(d) of the Alabama Administrative Procedure Act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Dixon	Hand	Preuitt	
Cabaniss	Drinkard	Hilliard	Rice	
Campbell	Ellis	Langford	Smith (B)	
deGraffenried	Goodwin	Manley	Smith (J)	
Dial	Hale	Menton		—18

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Menton, B. I. R., S. B. 71, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	deGraffenried	Hale	Manley	
Bailey	Dial	Hand	Menton	
Bennett	Dixon	Hilliard	Preuitt	
Cabaniss	Drinkard	Langford	Smith (J)	
Campbell	Ellis			—17

Nay: Senator Corbett

—1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 71. To further provide for seafoods and marine resources licenses in this state; to amend Section 9-12-119, Code of Alabama 1975, relating to issuance of licenses, so as to further provide for the issuance thereof, to increase the issuance fees, to specify that said issuance fees shall be in addition to the cost of licenses, to specify that the license fees shall be credited to the marine resources fund, and to provide for the return to the department of conservation and natural resources of unused licenses and stubs of licenses issued; to amend Section 9-12-82, Code of Alabama 1975, relating to "oyster catcher" licenses, so as to provide that the cost thereof shall be \$50.00; to repeal Section 9-12-84, Code of Alabama 1975; to amend Section 9-12-93, Code of Alabama 1975, relating to certain "shrimp boat"

licenses, so as to increase fees and establish categories of license fees for residents, to further provide for use of recreational boats catching shrimp for certain purposes, to further provide for nonresident license fees, and to provide that license fees shall be deposited to the marine resources fund; to repeal Section 9-12-92, Code of Alabama 1975; to amend Section 9-12-113, Code of Alabama 1975, relating to certain commercial hook and line and net or seine licenses, so as to increase and further provide for resident license fees, to further provide for nonresident license fees, to provide certain exemptions for certain seines, to further provide for the possession of said licenses, to require certain nets and seines to bear a certain tag, to provide that certain nets and seines utilized in certain illegal manners shall be nuisances and subject to confiscation, to provide for the forfeit of certain nets and seines under certain circumstances, and to require the immediate return to waters of game fish taken by nets or seines pursuant to this code section; to provide for a certain recreational gill net license for a fee of \$50.00, and to prohibit the sale or barter or offer for sale or barter of fish taken pursuant to this license; to provide for and require a "crab catcher's" license for the taking of crabs for commercial purposes or the using by individuals for personal, noncommercial purposes of more than five (5) crab traps, to provide for a license fee of \$50.00, to provide for individual use of up to five (5) crab traps for personal, noncommercial purposes without said license, to require crab traps and commercial crab boats to display certain identifying markings, to prohibit the taking of crabs from traps of others without authorization, to provide for the deposit of license proceeds to the marine resources fund, to provide for a September 30 expiration date, and to provide penalties for the violation thereof; to provide for and require a "seafood dealer's" license, to define "seafood dealer", to provide for a license fee of \$125.00, to provide for certain exemptions, to prohibit certain restaurants and grocers from certain purchases of certain seafoods without said license, to provide for and require additional said licenses under certain circumstances, to provide from whom "seafood dealers" may purchase seafoods, to prohibit the sale of seafoods as provided for in this section without said license, and to provide penalties for the violation of this section; and to repeal sections 9-12-86, 9-12-88, 9-12-89, 9-12-90, 9-12-91, 9-12-81 and 9-12-114, Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Manley	
Bailey	deGraffenried	Goodwin	Menton	
Bennett	Dial	Hale	Preuitt	
Cabaniss	Dixon	Hand	Smith (J)	
Campbell	Drinkard	Langford		—18

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., S. B. 134, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Manley	
Bailey	Dial	Hale	Menton	
Bennett	Dixon	Hand	Preuitt	
Cabaniss	Drinkard	Holmes	Smith (B)	
Campbell	Ellis	Langford		—18

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 134. To authorize the governing body of any county or municipality, or any county and municipality or municipalities to establish historic preservation commissions and architectural review boards in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage in the state, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties, and appointments to such commissions and boards; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing bodies; to provide for the reimbursement of expenses of members, the rules of procedures for operations, and notice of meetings; to provide that each commission shall constitute a nonprofit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto; to provide for appeals and other judicial processes; to preserve certain existing historic development commissions or architectural review boards; to authorize these to be certified with local government status or to assume the powers of this act pursuant to proper ordinance; to provide for exceptions to certain highways, roads, streets or bridges, including the properties utilized in connection therewith, and to provide for exceptions to certain highways, roads, streets or bridges; and to provide that the provisions of this act are cumulative.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Manley	
Bailey	deGraffenried	Hale	Menton	
Bennett	Dixon	Hand	Preuitt	
Cabaniss	Drinkard	Holmes	Smith (B)	
Campbell	Ellis	Langford	Smith (J)	—19

Nays: —0

RESOLUTION

Senator Menton offered the following Senate Joint Resolution, to-wit:

S. J. R. 49. CREATING THE DISABLED PERSONS PROTECTION COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Alabama Disabled Persons Protection Commission for the purpose of addressing the issues regarding the rights and needs of citizens with disabilities. The Commission shall be composed of 30 citizens appointed by the Attorney General. Membership shall include individuals who represent children and adults with disabilities: Mental retardation, mental illness, mobility impairments, deafness, blindness, epilepsy, cerebral palsy, birth defects, developmental and learning disorders, head injuries and other such disabilities and representatives of the following areas of service to disabled persons: medical rehabilitation, client assistance, disabled veterans, mental health, employment, social adaptation, and benefits and protection programs. The chairman of the Commission shall be the Attorney General of the State of Alabama.

BE IT FURTHER RESOLVED, That the duty and function of the committee shall include but not be limited to reviewing existing state and federal laws for compliance, proposing state legislation regarding disability issues for consideration by the Governor and the Legislature; proposing and implementing educational and protection programs on disability issues and supervising all state level initiatives and efforts for disabled persons advocacy.

RESOLVED FURTHER, That the Commission shall meet at such times and places as designated by the chairman, who shall be responsible for its administrative and operational functioning and who is empowered to take all actions necessary to keep it functioning efficiently and effectively and shall have, in this regard, all rights and privileges accorded commissions under Alabama regulations and laws. All major programs and initiatives of the Commission must be approved by a majority of the membership in actual attendance at the meeting in which such programs and initiatives are voted on.

BE IT FURTHER RESOLVED, That the Commission shall submit a report of its findings and recommendations by the fifteenth legislative day of each Regular Session until the Commission shall stand discharged of any further duties and responsibilities and shall be dissolved.

Which was read and referred to the Standing Committee on Rules.

ADJOURNMENT

At 2:38 P.M., on motion of Senator Manley, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Wednesday, February 17, at 2 o'clock P.M.

FIFTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 17, 1988

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by the Reverend Jiles Williams, Pastor, New Providence Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Margaret Caraway, Cloverdale Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Figures	Langford	
Amari	Corbett	Foshee	Manley	
Bailey	Covington	Goodwin	Menton	
Barron	deGraffenried	Hale	Mitchem	
Bedsole	Denton	Hand	Parsons	
Bennett	Dial	Hilliard	Preuitt	
Bishop	Dixon	Holmes	Rice	
Cabaniss	Ellis	Horn	Smith (J)	—31

RECESS

At 2:10 P.M., on motion of Senator deGraffenried, the Senate took a recess subject to the call of the Chair.

Yeas 16; Nays 4.

Yeas:

Senators:	Cabaniss	Goodwin	Langford	
Amari	Campbell	Hale	Mitchem	
Barron	Corbett	Hilliard	Preuitt	
Bennett	Foshee	Horn	Smith (J)	
Bishop				—16

Nays:

Senators:	Dixon	Hand	Rice	
Dial				—4

At 2:32 P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JIM SMITH,
Vice Chairperson.

COMMITTEE REPORT

On motion of Senator Smith (J), the foregoing report was concurred in and the Journal of the Senate for the Fourth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Bedford, Drinkard, Sanders, and Smith (B) for today.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Holmes:

S. 363. To amend Section 12-12-31, Code of Alabama 1975, which relates to small claims actions, so as to increase the jurisdictional amount of the claims.

Committee on Small Business.

By Senator Holmes:

S. 364. To amend Section 40-10-120, Code of Alabama 1975, as amended, to redefine the date of commencement for the three year redemption period for real estate sold for taxes, as that date the property sells in front of the courthouse door.

Committee on Small Business.

By Senators Holmes, Foshee, deGraffenried, Dial, Hale, Campbell, Covington, and Manley:

S. 365. Relating to education; providing for certain non-voting ex officio positions on the state board of education and on the boards of trustees of the several four-year state colleges and universities; prescribing the manner by which such ex officio positions shall be filled and the terms of such positions and providing that such ex officios shall receive certain mileage and per diem on meeting days.

Committee on Education.

By Senator Dial:

S. 366. To establish in the eighteenth judicial circuit an eastern division to consist of Clay and Coosa Counties and a western division to consist of

Shelby County; to designate the circuit judgeships to first serve each such division; to provide thereafter that one circuit judge shall reside in the eastern division and two circuit judges shall reside in the western division; to provide that all three circuit judges will be elected within the circuit at large; and to provide an effective date.

Committee on Judiciary.

By Senator Dial:

S. 367. Providing that the membership of the Alabama Commission on Higher Education be comprised of the governor, the lieutenant governor, the speaker of the house, the director of finance, and seven members appointed by the governor from the state at large to serve terms of 3, 6, and 9 years, thereafter the successors to each member initially appointed shall hold office for a term of 9 years, no more than two of such seven to be alumni of any one of the institutions of higher education, all the foregoing to be voting members, and the following non-voting members: one person nominated by The University of Alabama Systems; one person nominated by Auburn University; one person nominated by the council of presidents to represent the regional, four year institutions; and one person nominated by the board of trustees of postsecondary education, and also providing the commission exclusive authority for budgeting and allocation of funds to all public institutions of higher education, subject to the power of the legislature to determine the total amount of funds to be appropriated to all public institutions of higher education, such funds allocated to the four-year public institutions of higher education to be distributed directly to the boards of trustees of such institutions, and such other funds to be distributed to the board of trustees of postsecondary education, and that the commission will be responsible for: determining the role, scope, and mission, and for approving all academic colleges or schools and other extraordinary campus operations concerning the role, scope, and mission of each institution of higher education; for determining which institutions may grant doctoral degrees; for granting authority for the establishment of new campuses and new units or programs of instruction; for approving mergers, consolidations, sales of substantially all assets, and other reorganizations of public institutions of higher education; for formulating, adopting, revising, administering and enforcing articulation standards and agreements and for establishing committees to assist the commission in same; and for establishing an articulation program to become effective no later than the academic year beginning with the 1991 fall term; to provide for the enforcement of articulation standards; to provide for the repeal of any laws inconsistent with this enactment; to provide for the severability of this act's provisions; and to provide for an effective date.

Committee on Education.

By Senator Dial:

S. 368. To create an additional judicial circuit composed of Clay, Cleburne, and Coosa Counties; to provide for the circuit judgeship and district attorney thereof; to redesignate the circuit judgeships in the eighteenth judicial circuit after one judgeship for the eighteenth circuit is transferred and redesignated as the judgeship for the additional judicial circuit; to create an additional district court judgeship for Shelby County and provide for the appointment of the first judge to fill such judgeship; and to provide effective dates and make appropriations.

Committee on Finance and Taxation.

REGULAR SESSION
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By Senator Horn (With Notice and Proof):

S. 369. Relating to Class 1 municipalities; to exempt such municipalities from the payment of all oil, gasoline and diesel fuel taxes of any nature whatsoever.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 369, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Horn:

S. 370. To further amend Section 41-16-50, Code of Alabama 1975, as amended, relating to certain contracts for which competitive bidding is required, so as to alter the provision regarding awarding contracts to resident bidders and the provision regarding bid bond requirements.

Committee on Finance and Taxation.

By Senators Bennett and Amari (With Notice and Proof):

S. 371. To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of re-employment.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 371, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bennett (With Notice and Proof):

S. 372. To further amend Section 6 of Act No. 529 of the Legislature of Alabama of 1923, as codified in Title 62, Section 725, Code of Alabama 1940 (Recompiled 1958) and as amended by Act No. 87-788, to provide an expense allowance for members of the Park and Recreation Board of the City of Birmingham.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 372, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hilliard (With Notice and Proof):

S. 373. To amend Act 248 of the 1945 Regular Session (General Acts of 1945, p. 376), as last amended by Act 87-815 of the 1987 Regular Session,

relating to the Jefferson County civil service system, so as to provide further for the certification of candidates to fill vacancies in the classified service.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 373, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hilliard (With Notice and Proof):

S. 374. To amend Article VI, Section 8 of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), relating to the extraordinary disability benefits of the City of Birmingham Retirement and Relief System, so as to provide that extraordinary disability benefits shall not be paid to any participant during any period that a disabled participant is able to perform other duties in his job classification or the customary duties of another job with that participant's employer, which duties or job has been offered to participant and which job pays a salary or wage equal to or greater than the salary or wage such participant was earning at the time of the incident causing the disability, and to provide that, for injuries occurring after January 1, 1988, the Board of Managers may waive the one year limitation and grant an application for extraordinary disability allowance if granted within thirty-six months after the incident resulting in such disability.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 374, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hilliard (With Notice and Proof):

S. 375. To amend Sections 1 and 2 of Article VII of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), relating to the Board of Managers of the City of Birmingham Retirement and Relief System so as to provide that participant's loans shall be repaid in a period of forty-eight (48) months or less from the date of such loan and to provide that interest be charged on such loans in such amount as may be determined in the discretion of the Board, but not less than seven (7) percent per annum.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 375, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hilliard (With Notice and Proof):

S. 376. To amend Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, approved September 18, 1973, as amended, to provide for the participation of the unclassified employees of the City of Birmingham in the retirement and relief system of the City of Birmingham and to provide for related matters.

Committee on Local Legislation No. 2.

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I hereby certify that the notice and proof is attached to the Bill, S. B. 376, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Manley:

S. 377. To provide for the creation of a Postsecondary Board of Trustees to be responsible for the operation, management, control, supervision and regulation of junior colleges, community colleges and trade schools; to provide for the appointment of the members of the Board by the Governor and to specify their qualifications and terms of office; to provide that the Board shall have the authority to appoint a chancellor to serve as chief executive officer of the postsecondary education department; to provide that the chancellor shall be responsible for the operation, management, control, supervision and regulation of junior colleges, community colleges and trade schools, subject to the approval of the Board; to provide that the Board may establish the salary of the chancellor; to specify the powers of the Board; to provide for the duties of the chancellor; to permit the Board to delegate to the chancellor the authority to make decisions concerning the management and operation of junior colleges, community colleges and trade schools; to provide that the faculty and staff of each junior college, community college and trade school shall be appointed by the president of such institution according to regulations prescribed by the Board; to provide that all prior appropriations made to the state board of education with respect to junior colleges, community colleges and trade schools shall be transferred to the Board and all future appropriations shall be made to the Board; to confirm that all actions previously to be taken by the state board of education with respect to junior colleges, community colleges and trade schools shall hereafter be taken by the Board; and to provide for an effective date.

Committee on Education.

By Senator Manley:

S. 378. To authorize the legislative council to employ technical assistants including legal counsel in certain instances and to provide for the manner of compensating said persons.

Committee on Judiciary.

By Senator Sanders:

S. 379. To provide for unpaid leave of absences for new parents; to specify conditions for return from leave; and to provide for a civil action for a violation of this act.

Committee on Business and Labor Relations.

By Senator Sanders:

S. 380. To require the local boards of education and state department of education to implement a procedure to more actively involve a parent, parents, or legal guardians or legal guardian in the public educational process of children in public education, grades K through 12, by requiring such parents, or parent, legal guardians or guardian of each child in such grades to personally pick up his or her report card, grade record or similar official

measurement of such child in grades K through 12 of each public school system throughout the state.

Committee on Education.

By Senator Sanders:

S. 381. To provide for an additional circuit judgeship No. 3 in the 4th judicial circuit in addition to the two circuit judgeships now existing; to prescribe the jurisdiction, powers, duties, responsibilities and compensation of such judge; to provide for the appointment by the Governor of the first judge to fill said additional judgeship and that thereafter successors shall be elected to full terms of office as provided by law; and to provide an appropriation to the unified judicial system for the maintenance of such additional judgeship.

Committee on Finance and Taxation.

By Senator Langford:

S. 382. Providing for a supplemental appropriation during the current fiscal year from the general fund to the state department of Veterans Affairs to reimburse certain employees in said department who sacrificed a certain amount of their salaries for a certain time while the general fund was in proration during the 1982-83 fiscal year.

Committee on Finance and Taxation.

By Senator Langford:

S. 383. To provide that any person who is employed by an agency, board, commission or any quasi-public organization which has received more than one-half of its funding from the state for the last three years shall be a member of the state employees' retirement system.

Committee on Finance and Taxation.

By Senator Bailey:

S. 384. To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance and Taxation.

By Senators Bailey and Bedsole:

S. 385. To amend Section 12-15-61, Code of Alabama 1975, which relates to the detention or shelter care of children so as to define certain terms, provide for the development of a statewide system of regional detention centers, to provide for funding for said centers and for transporting children committed to the Department of Youth Services.

Committee on Finance and Taxation.

By Senator Covington:

S. 386. To amend section 27-3-27, Code of Alabama 1975, relating to licensing of insurance agents, solicitors or brokers of insurance by insurers, so as to establish requirements and standards for continuing education programs for such persons in Alabama and to provide certain exceptions.

Committee on Banking and Insurance.

By Senators Foshee and Covington:

S. 387. To amend Section 5-5A-28 of the Code of Alabama 1975, to provide that any bank is authorized to pledge acceptable assets as security for deposits for rural electric cooperatives.

Committee on Commerce,
Transportation, and Utilities.

By Senators Foshee, Holmes, Covington, Hale, Dial, Bailey, and Bedsole:

S. 388. Relating to primary elections; providing for a single ballot primary; permitting qualified electors to vote without regard to party affiliation; and specifically repealing Section 17-16-4, Code of Alabama 1975, relating to certain laws applicable to primary elections.

Committee on Judiciary.

By Senator Figures:

S. 389. Relating to motor vehicles; requiring as a condition of registration that every person applying for the registration or licensing of a motor vehicle shall secure and pay the premium on a motor vehicle liability insurance policy issued by an insurance company authorized to transact business within the State of Alabama, or otherwise establish financial responsibility, and to facilitate the procuring of such insurance to provide for an assigned risk plan among insurance companies for the equitable apportionment among such companies of undesirable risks; prescribing misdemeanor penalties for certain violations; repealing conflicting laws; and providing that the provisions of this act supersede Title 32, Chapter 7, Code of Alabama 1975, as amended, which provides for the Motor Vehicle Safety Responsibility Act.

Committee on Judiciary.

By Senator Figures (With Notice and Proof):

S. 390. Relating to Mobile County; to amend Section 18 of Act No. 2431, H. 2569, Regular Session 1971 (Acts 1971, p. 3880 et seq.), as amended, which relates to all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census which provides for the distribution of certain monies from the racing commission of the county and the establishment of the county law enforcement and firefighters' pension fund, so as to include retired school traffic officers.

Committee on Local Legislation No. 3.

I hereby certify that the notice and proof is attached to the Bill, S. B. 390, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Figures (With Notice and Proof):

S. 391. Relating to Mobile County; providing that the county commission or other like governing body of such county shall have the power to levy and collect additional privilege license taxes, excise taxes, alcoholic beverage taxes, ad valorem taxes, and sales and use taxes, subject to any limitation of the Constitution of Alabama or of any general law of this state; providing that any such tax levied by said governing body shall become law either with or without a referendum in the sole discretion of said governing

body; providing for the disposition of the proceeds of such taxes; and repealing conflicting laws.

Committee on Local Legislation No. 3.

I hereby certify that the notice and proof is attached to the Bill, S. B. 391, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Preuitt, Holmes, Corbett, Foshee, Goodwin, and Bedsole:

S. 392. To amend Section 41-16-27, Code of Alabama 1975, relating to competitive bids, so as to delete the provision relating to the awarding of a negotiated contract after bids have been opened and to require a residential preference to certain Alabama firms and products.

Committee on Judiciary.

By Senator Denton:

S. 393. To amend Sections 34-8-1 and 34-8-7, Code of Alabama 1975, to include a swimming pool contractor in the definition of "general contractor" found within Title 34, Chapter 8, Code of Alabama 1975, and to exclude a swimming pool contractor from the exemptions found within Section 34-8-7, Code of Alabama 1975.

Committee on Small Business.

By Senator Ellis:

S. 394. To amend Section 41-8-2, Code of Alabama 1975, relating to the board of the Alabama public library service, so as to increase the membership of the board.

Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Layson (With Notice and Proof):

H. 164. Relating to any municipality located in Tuscaloosa County; to require the granting, under certain circumstances, of either overtime pay or compensatory leave to certain full-time paid fire fighters.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 164, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. White (F) (With Notice and Proof):

H. 266. Relating to Escambia County; providing for additional clerks for the judge of probate for the Atmore Satellite Courthouse.

REGULAR SESSION
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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 266, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 164 and 266—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. White (F) (With Notice and Proof):

H. 267. To fix the fee for the issuance of pistol permits in Escambia County and provide for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund and provide for the use of such fund and an effective date.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 267, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. White (F) (With Notice and Proof):

H. 268. Relating to Escambia County; repealing Act No. 86-722, H. 5, 1986 1st Special Session, relating to the election of the chairman of the county commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 268, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 267 and 268—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. White (F) (With Notice and Proof):

H. 269. Relating to Escambia County; to provide a procedure for handling cases involving invalid checks given for licenses, and the voiding of such licenses.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 269, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. White (F) (With Notice and Proof):

H. 319. Relating to Escambia County; providing for additional assistants for the county tax assessor and tax collector for the Atmore Satellite Courthouse.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 319, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 269 and 319—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Marietta, Gaston, Kvalheim, Penry, McMillan, Harper, Hammett, Carter, Hettinger, Freeman, Johnson (RG), Faulk, Carothers, Grouby, Buskey (JE), Newman, White (L), Blakeney, Biddle, Hooper, Blake, Laird, Warren, Zoghby, Beasley, and Clark (W):

H. 169. To amend Section 33-4-48, Code of Alabama 1975, which relates to the pay of pilots so as to revise the schedule of pilots' fees.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 169—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. White (L), White (F), Carter, Butler, Carothers, Freeman, Williams, McKee, Hettinger, Johnson (RG), Grouby, Mikell, Hooper, Hall, Warren, Junkins, Faulk, Beasley, Richardson, Newman, Mathis, and Laird:

H. 141. Relating to pharmaceutical insurance coverage in health insurance policies and employee benefit plans so as to allow any individual who has insurance coverage or contract benefits for pharmaceutical services, including without limitation, prescription drugs, the right to select any pharmacy or pharmacist of his choice to furnish the pharmaceutical services, including without limitation, prescription drugs, provided under such plans or policies; to provide that it shall be the duty and responsibility of the commissioner of insurance to enforce the provisions of this act; and to provide for penalties for violations as provided in section 27-1-12 of the Code of Alabama 1975.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 141—to the Committee on Health

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Dillard and Marks:

H. 171. Authorizing and empowering industrial development authorities that own and utilize properties having airport facilities to exercise those powers granted to airport authorities under Section 4-3-11 of the Code of Alabama 1975.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 171—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 31. CONGRATULATING TROY STATE UNIVERSITY ON THE 1987 NCAA DIVISION II NATIONAL FOOTBALL CHAMPIONSHIP.

Also:

S. J. R. 32. HONORING RICK RHOADES, HEAD COACH AT TROY STATE UNIVERSITY SINCE 1985.

Also:

S. J. R. 33. COMMENDING MIKE TURK OF TROY STATE UNIVERSITY ON HIS OUTSTANDING COLLEGIATE FOOTBALL CAREER.

Also:

S. J. R. 34. COMMENDING MR. AND MRS. DORSEY CHALMUS KELLY ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

S. J. R. 40. COMMENDING FRED BOREN OF HAYDEN, ALABAMA, FOR DISTINGUISHED COMMUNITY SERVICE.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 19. COMMENDING HAMP GREENE OF MONTGOMERY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S. J. R. 22. MOURNING THE DEATH OF ED YARBROUGH OF CENTRE, ALABAMA.

Also:

S. J. R. 27. CONGRATULATING THE ALABAMA SCHOOL FOR THE DEAF LADY WARRIORS ON THE TEAM'S 1987 NATIONAL CHAMPIONSHIP.

Also:

S. J. R. 28. COMMENDING THE ALABAMA SCHOOL FOR THE DEAF SILENT WARRIORS AND COACH DEWAYNE CLARK ON THE 1987 DEAF SCHOOL NATIONAL CHAMPIONSHIP.

Also:

S. J. R. 29. CONGRATULATING THE ELMORE COUNTY HIGH SCHOOL PANTHERS AS OUR STATE 4A FOOTBALL CHAMPIONS FOR 1987.

Also:

S. J. R. 35. COMMENDING THE MONTGOMERY ACADEMY EAGLES AS OUR 1987 STATE 1A FOOTBALL CHAMPIONS.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Kvalheim and Gaston:

H. J. R. 88. RENAMING "FORT HARDEMAN ARMORY" IN MOBILE THE "HARDEMAN-McLAUGHLIN ARMORY."

Also:

By Reps. Butler, Freeman, Hettinger, Grayson, Hall, Brooks, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Fuller, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 87. COMMENDING THE UNIVERSITY OF ALABAMA IN HUNTSVILLE ON ITS HIGH NATIONAL RANKING AS THE TOP SCHOOL IN THE SOUTH IN SCIENCE AND TECHNOLOGY EDUCATION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Bedsole, the Rules were suspended and the Resolution, H. J. R. 88, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

The Resolution, H. J. R. 87, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Junkins, Johnson (RG), Holley, Mathis, Carothers, Newman, Bugg, and McKee:

H. J. R. 80. MOURNING THE DEATH OF PATRICIA HUDGINS MCMAHAN OF MONTGOMERY, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 80, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Senator Amari, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Goodwin:

S. 346. To further amend section 33-1-8, Code of Alabama 1975, as amended, relating to the state docks advisory committee and its composition, the filling of vacancies and appointments on the committee and qualifications, so as to further provide therefor; and to make the effective date retroactive.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Bedsole, Smith (J), and Hand:

S. 281. Providing for nonprofit organizations in the state to purchase goods and services through the purchases and stores division of the department of finance, upon request, and purchase products and services offered by the correctional industries division of the department of corrections.

By Senators Preuitt and Dial:

S. 290. To amend Section 21-1-16, Code of Alabama 1975, relating to a register of blind persons, so as to require certain medical and health providers and certain governmental agencies to inform the Alabama Institute for Deaf and Blind of all cases of blindness; to require said Institute to create and provide a register form and to publish an annual report; to provide for the confidentiality of said form and to grant certain civil and criminal immunity to persons who report information pursuant to this act.

By Senators deGraffenried and Manley:

S. 256. To establish "The Alabama Legal Services Liability Act"; to define certain terms; to create one form of action and one cause of action against any legal service providers to be known as a Legal Service Liability Action which shall exclusively govern any and all actions for injury or damage against a legal service provider; to establish the standards of care applicable to a legal service provider in a Legal Service Liability Action and to require that the plaintiff shall have the burden of proving that the legal service provider violated the applicable standard of care; to establish a limitation on the time for the commencement of a Legal Service Liability Action; to provide a procedure for the settlement of disputes by arbitration; to provide that advance payments shall not constitute an admission of liability and that any such payments in excess of the award are not repayable; to provide that the rules of evidence unless specifically changed shall remain the same; to provide for the effect of compliance with or violation of the rules of professional conduct; to provide a procedure for the severance of and for the separate resolution of the Underlying Action in a Legal Service Liability Action; to provide that this act shall apply to all actions against legal service providers based on acts or omissions accruing after its effective date; and to provide that such cause of action shall supersede any inconsistent provisions of law.

By Senator Ellis:

S. 326. To amend section 15-22-31, Code of Alabama 1975, which provides for the retaking of parolees, with or without arrest warrants, so as to increase the number of days a parolee may be held awaiting the arrival of a warrant.

By Senator Dial:

S. 291. Proposing an amendment to the Constitution of Alabama of 1901, establishing a district attorneys' inquiry commission which shall conduct investigations into complaints concerning district attorneys; creating a court of district attorneys to hear complaints filed by the commission; and creating a district attorneys' canon promulgating committee to promulgate canons of ethics for district attorneys.

The above Bill was read a second time at length as required by the Constitution.

By Senator Manley:

S. 139. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1987 Regular Session of the Legislature, as contained in the 1987 Cumulative Supplement to certain volumes of the Code and in the 1987 Replacement Volumes 7, 7A and 13 of the Code; to make corrections in certain volumes of such cumulative supplement and replacement volume 13; and to reorganize Article 5, Chapter 12, Title 13A, and Chapter 2, Title 20, as appearing in Volumes 12 and 14, respectively, of such cumulative supplement, so as to place the principal drug crime statutes in Title 13A, the Alabama Criminal Code.

By Senators Manley, Bedsole, Campbell, Dixon, Denton, Dial, and Bennett:

S. 207. To further amend Section 23-1-280 of the Code of Alabama 1975, as amended, which section relates to just compensation for the removal of signs, so as to clarify the original legislative intent to require the payment

of just compensation whenever a removing authority removes or alters, or causes the removal or alteration of, a lawfully erected sign along any public street or highway.

By Senators Manley and Parsons:

S. 135. To amend Section 13A-3-1, Code of Alabama 1975, relating to the defense of insanity or mental disease or defect, so as to define the defense; to specify the burden of proof; to specify the conduct to which this act applies; and to provide an effective defense.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Manley (With Substitute):

S. 137. To provide that a criminal defendant committed to the custody of the Commissioner of the State Department of Mental Health pursuant to Section 15-16-43, Code of Alabama 1975, shall not be released from custody unless such release is authorized by court order, except in certain circumstances; to provide for notice and hearings related to such release; to provide for placement of conditions on the release of such defendants when appropriate; and to provide for recommitment of such persons when appropriate.

By Senators Dixon, Bennett, Cabaniss, Bedsole, and Smith (J) (With Substitute):

S. 265. To amend Section 26-14-9 of the Code of Alabama 1975, relating to immunity from civil or criminal liability for actions in matters of child abuse or neglect, so as to provide further for such immunity; and to provide that no employee of a facility serving children may be subjected to reprisals because of actions in reporting abuse or neglect of a child.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Bedford, Mitchem, Dixon, Manley, Barron, Foshee, Menton, Bailey, Drinkard, and Smith (B) (With Amendment):

S. 245. To create the Alabama Manufactured Housing Commission Recovery Fund; to insure that purchasers of manufactured homes have a forum for addressing complaints regarding said homes; to create a fund to compensate said purchasers if their complaints are not remedied; and to provide that consumer complaints regarding manufactured houses shall be heard by the Alabama Manufactured Housing Commission, an independent state agency, in accordance with the terms of the Alabama Administrative Procedure Act.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable

report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hand:

S. 149. To provide that any municipality having salt water beaches within its boundaries is authorized to patrol said beaches and to provide for enforcement of city ordinances and state laws.

By Senators Denton, Dial, and Ellis:

S. 152. To bring bonding requirements of license commissioners, revenue commissioners, or others of similar title, who determine or collect taxes or revenues, in line with those of tax collectors as required by Section 40-5-3, Code of Alabama 1975.

By Senators deGraffenried and Bedsole:

S. 296. To amend sections 36-32-1, 36-32-2 and 36-32-3, Code of Alabama 1975, which provide for the Fire Fighters' Standards and Education Commission, so as to further define certain terms, reestablish the State Fire College at Shelton State Community College, provide for the administration of the State Fire College, provide further for the appropriations to the State Fire College, and repeal sections 16-59-1 through 16-59-4, Code of Alabama 1975, which relate to the State Fire College.

By Senator Ellis:

S. 320. To propose an amendment to the Constitution to provide that no bond, warrant or any other obligation of any county shall be considered a bond for the purposes of Section 222 of the Constitution of Alabama of 1901, as amended, nor shall any bond, warrant or any other obligation of any county be included in the indebtedness of such county within the meaning of any provision of Section 224 of the Constitution of Alabama of 1901, as amended, if any such bond, warrant or other obligation is issued to provide, improve or repair any public facilities or improvements (including, without limitation, roads, streets, sidewalks, sanitary sewers, storm water sewers, sewage treatment facilities, flood control facilities, seawalls, and lighting systems) specially benefiting, to any degree, one or more tracts or parcels of property if the cost of such public facilities or improvements is to be assessed, in whole or in part, against such property.

The above Bill was read a second time at length as required by the Constitution.

By Senator Ellis:

S. 327. To provide a comprehensive system of law applicable to all counties in this state defining the powers of any such counties to construct improvements or reimprovements consisting of streets or any portions thereof, sanitary sewers and sewer systems and water and gas mains and service connections, drainage improvements or drainage systems and the filling in of swamps or inundated or overflowed or submerged lands, ornamental lighting systems or white way systems of lighting and the construction, acquisition, improvement and extension of seawalls, dikes, levees and embankments in such counties; to provide a method for the assessment of the cost of any such improvement against the property abutting on, or drained, served, or benefited by such improvement; to require the adoption of a resolution describing the improvement and the property abutting on, or the area to be drained, served or benefited by such improvement; to require the filing of

plans and specifications for such improvement; to provide for publication and mailing of notice of the adoption of the said resolution; to provide for a public hearing on such improvement; to provide for payment of the cost of the improvement; to provide for the establishment of the grade of certain streets, avenues, alleys or sidewalks to be improved; to provide for public advertisement for bids for the construction of the improvement unless the county shall perform the work or provide materials from its own resources; to provide that the county commission must accept or reject work on the part of the county; to provide for supervision of the work; to provide for the levy of assessments on the property abutting on or drained, served or benefited by any improvement; to provide for the assessment against lands purchased by the state; to provide the manner of assessments generally; to provide for improvements of intersections of streets, avenues or other highways; to provide for sidewalk improvements; to provide for the preparation of a list of owners and parcels to be assessed, and publication of notice of such list; to provide for the entry of the list in an assessment book for local improvements; to provide for the delivery of the assessment book to the county clerk and the publication of notice as to delivery and inspection of such book; to provide for notice of hearing of objections; to provide for the contents of the notice as to the hearing on assessments for improvements; to provide for any defects or errors therein; to provide for the filing of written objections to assessments by property owners; to provide for a hearing on the proposed assessments and making the same final; to provide for the powers of the commission as to the subpoena of witnesses; to provide for the establishment of a lien on the property subject to the assessments and for the priority thereof; to provide for the reduction or abatement of certain assessment; to provide for procedures with respect to erroneous assessments and assessments in excess of benefits derived; to authorize the transfer and assignment of such liens, and for the enforcement thereof; to specify other provisions with respect to such liens; to provide for the effect of enforcement of tax liens upon property subject to assessment liens and the duration of assessment liens; to provide for the effect of sale of property for enforcement of an assessment lien upon other assessment liens upon the same property; to provide a system for appeals from the making of such final assessment; to provide for bond on appeal; to provide for entry on trial docket of appeal; to provide for the transcript for appeal; to provide for prima facie evidence on appeal; to provide for the conduct of appeal, right of jury trial and the entry of judgment and assessment of costs generally; to provide for the conduct of appeal, right of jury trial and the entry of judgment and assessment of costs generally; to provide for the entry of judgment for amounts properly chargeable against lands where the assessment is defective; to provide for appeals from the judgment of the circuit court; to provide for the addition of interest and damages upon affirmance of judgment for the county; to provide that the county may appeal from any judgments of the circuit court without giving bond; to provide for the issuance of execution and order of sale upon entry of final judgment in favor of the county; to provide a system for payment of all such assessments and for default in such payments; to provide for proceedings for sale of land upon failure of owner to pay assessment; to provide for the payment of assessments prior to sale; to provide that the costs of notice and sale are to be charged against the land; to provide for the execution of a deed to the purchaser at such sale; to provide for the effect of error and defect of notice of sale; to provide for the redemption of property after sale generally; to provide for the extension of the redemption period; to provide for the application for filing of certificate of warning to redeem upon the record of local improvement assessment sale deed; to provide for the mailing of copies of deed and certificate to persons last assessed

upon property described in deed by probate judge; to provide for the redemption of property during extended redemption period; to provide for the performance of duties of the probate judge; to provide for the redemption of property; to provide for the making of temporary loans or issuance of bonds before or during progress of work to pay for cost of improvement; to provide for the issuance of bonds after completion of work; to provide for the applicability of provisions of law as to issuance of county bonds generally; to provide for the issuance of bonds generally; to provide for the maturity and payments of such bonds; to provide for the disposition of proceeds from the sale of bonds; to provide for the grouping of improvements for the issuance of bonds; to provide for the maintenance and disposition of sinking fund accounts for bond issues; to provide for the bond of the officer charged with the collection of assessments; to provide for the redemption of bonds; to provide for the refunding of excess assessments; to provide a limitation period for presentation of claims and disposition of amounts not refunded; to provide for the settlement, adjustment or refunding of bonds; to provide for the consolidation of separate outstanding issues or issuance of refunding bonds; to provide for the maintenance and disposition of sinking fund accounts for refunding bond issues; to grant to any county the right of eminent domain with respect to improvements; to provide that this Act shall not affect the powers of counties to compel property owners to repair sidewalks; to provide for apportionment of assessments against property for public improvements among joint owners thereof; to provide for a petition of a tenant in common for division of an assessment among joint owners of property; to provide for a division of assessment among the tenants in common; to provide for a notice to property owners of division of assessment; to provide for appeals from division of assessment; to provide for correction of description of ownership of property and reduction of an assessment; to provide for the effect of reduction upon an assessment lien; to provide for the effect of annexation and incorporation of an area in which assessments have been made; to amend Section 11-28-3, Code of Alabama 1975, as amended, relating to the issuance of warrants by counties so as to provide for the pledge of assessments for the benefit of such warrants; to provide for severability of the provisions of this Act and for the repeal of inconsistent laws; and to establish the effective date of this Act.

By Senators Corbett, deGraffenried, Holmes, Drinkard, Menton, Bishop, Hand, Dixon, Rice, Bennett, Bedsole, Sanders, Denton, Preuitt, Foshee, Goodwin, Amari, and Manley:

S. 338. To amend further Section 36-25-1 of the Code of Alabama 1975, relating to the code of ethics for public officials and employees, so as to exempt certain firemen from the provisions of such code of ethics.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Manley and Dial (With Amendment):

S. 361. To amend the following Sections of the Code of Alabama 1975, to provide for equitable treatment statewide in all county and municipal sales and use taxation on automotive vehicles and trailers: Section 40-23-2.1 to require that county and municipal sales or use taxes in effect where the purchaser resides or, if a business, where said purchased vehicle is located, shall apply; Sections 11-51-201 and 11-51-203 to relieve licensed automotive

dealers from collecting taxes on vehicles required to be registered or licensed with the probate judge; Sections 40-12-4, 40-23-61, 40-23-101 and 40-23-102 to apply in conjunction with, and under the guidance of, Section 40-23-104, Code of Alabama 1975 in cases where automotive vehicles, truck trailers, trailers, semitrailers or travel trailers are sold; and Section 40-29-115 to specify penalties for fraud and misrepresentation of correct vehicle and vehicle owner addresses as provided for under this act.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Adams:

H. 99. To amend Act No. 87-554 enacted at the 1987 Regular Session of the Legislature of Alabama so as to insert in Subsection (1)b1(viii) thereof the appropriate reference to Act No. 87-550.

Senator Foshee, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Manley, Dixon, and Dial:

S. 136. To amend Section 25-4-78, Code of Alabama 1975, relating to disqualifications for benefits under Unemployment Compensation, so as to establish a new category of alien claimants eligible for unemployment benefits in conformance with the Immigration Reform and Control Act of 1986, PL 99-603; and to enumerate the categories of aliens eligible for benefits thereunder.

Senator Foshee, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Foshee, Goodwin, Dial, Barron, Mitchem, Rice, Preuitt, deGraffenried, Smith (B), Smith (J), Dixon, Hand, Denton, Cabaniss, Bedsole, Manley, Covington, Hale, and Campbell (With Amendment):

S. 206. To amend Title 25, Chapter 5, Code of Alabama 1975, which relates to worker's compensation in Alabama, to provide for the calculation of an employee's "average weekly earnings;" to establish procedures, limitations, and a right of appellate review for an award of lump sum attorney's fees in worker's compensation cases; to provide for a right of subrogation as to certain benefits paid as the result of occupational injuries or diseases; and to provide certain remedies for violations of §25-5-11.1.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Hand (With Substitute):

S. 141. To amend section 11-88-6, Code of Alabama 1975, which provides for boards of directors of county and municipal water, sewer and fire

protection authorities, so as to provide further for the maximum amounts paid to such board members and chairmen for their meetings.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 145. To amend section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain waterworks systems, so as to also prohibit public corporations or entities created or operating pursuant to sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating such services.

By Senators Dial, Hand, Barron, Rice, Ellis, Bedsole, Foshee, and Mitchem:

S. 250. To amend Section 40-12-240, Code of Alabama 1975, relating to definitions of motor vehicles, so as to define the portions of the definition of gross vehicle weight which are no longer applicable and to amend Section 40-12-248, Code of Alabama 1975, relating to taxes and fees on trucks and tractors, so as to reduce the annual license taxes and registration fees on certain trucks known as self-propelled campers or house cars.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bishop (With Notice and Proof):

S. 202. Relating to Walker County; approving an increase of the three mill district ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901 by eight mills to eleven mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such additional eight mill tax to be levied and collected by the governing body of Walker County for each year beginning with the levy for the tax year ending September 30, 1989 (the tax for which year will be due and payable October 1, 1989) and ending with the levy for the tax year ending September 30, 1997 (the tax for which year will be due and payable October 1, 1997) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the Walker County School District (consisting of all of Walker County except the City of Carbon Hill and the City of Jasper school districts) in said County at a special election called and held in accordance with the laws governing special elections.

By Senator Denton (With Notice and Proof):

S. 293. Relating to the practice of barbering in Lauderdale County; requiring the county wide administrative control, supervision and regulation including certain registration and licensing of the practice of barbering, teaching of barbering, barbers, barber instructors, barber students, barber apprentices, barbershops, and barber schools; creating a county barber board for such purpose; prescribing the powers and duties of said board; abolishing

all current local county barber boards or commissions; repealing or superseding all laws, whether general, general of local application, special or local, which conflict with this act; providing for a barbering commission and appointments thereto; providing for duties and powers of the commission; and providing for exceptions.

RESOLUTIONS

Senators Dial and Barron offered the following Senate Resolution, to-wit:

S. R. 50. COMMENDING DALE N. RICHEY OF MONTGOMERY, ALABAMA, FOR DISTINGUISHED SERVICE AND ACHIEVEMENT AS STATE DIRECTOR OF THE FARMERS HOME ADMINISTRATION PROGRAMS.

Which was read and referred to the Standing Committee on Rules.

Senator Foshee offered the following Senate Resolution, to-wit:

S. R. 51. COMMENDING THE ALATEX PLANT IN ANDALUSIA, ALABAMA FOR OUTSTANDING ACHIEVEMENT.

Which was filed.

BUDGET ISOLATION RESOLUTION

Senator Holmes, B. I. R., H. B. 67, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Figures	Manley
Amari	Campbell	Foshee	Menton
Bailey	Corbett	Goodwin	Mitchem
Barron	Covington	Hale	Parsons
Bedsole	deGraffenried	Holmes	Pruitt
Bennett	Denton	Langford	Smith (J)
Bishop	Ellis		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 67. Relating to the City of Anniston in Calhoun County; amending Act No. 404, S. 430, 1953 Regular Session, as amended, which establishes the council-manager form of government, so as to provide further for the compensation of the members of the city council.

was taken up.

Senator Corbett offered the following substitute for the Bill, H. B. 67, to-wit:

SUBSTITUTE FOR H. B. 67

A BILL TO BE ENTITLED AN ACT

Relating to the City of Anniston in Calhoun County; amending Act No. 404, S. 430, 1953 Regular Session, as amended, which establishes the council-manager form of government, so as to provide further for the compensation of the members of the city council.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 3.05 of Article III of Act No. 404, S. 430, 1953 Regular Session, as amended, is hereby amended to read as follows:

"Section 3.05. Compensation. The members of the council are hereby authorized to establish, by resolution, the compensation to which the next succeeding council shall be entitled during their term of office, provided, however, that such resolution must be adopted not earlier than the 28th day of February immediately preceding the election of the next succeeding council."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Corbett, said substitute was laid on the table.

And said Bill, H. B. 67, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Figures	Manley
Amari	Campbell	Foshee	Menton
Bailey	Corbett	Goodwin	Mitchem
Barron	Covington	Hale	Parsons
Bedsale	deGraffenried	Holmes	Preuitt
Bennett	Denton	Langford	Smith (J)
Bishop	Ellis		

—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 88. RENAMING "FORT HARDEMAN ARMORY" IN MOBILE THE "HARDEMAN-McLAUGHLIN ARMORY."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

COMMITTEE REPORT FILED

Pursuant to the provisions of Act 87-683, the report of the Interim Committee on Finances and Budgets was filed with the Secretary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Laird and Fuller (With Notice and Proof):

H. 337. Relating to Chambers County; authorizing the county commission to levy and collect an additional one percent sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection of such tax by the state department of revenue; providing for distribution and use of the proceeds; prescribing penalties; fixing punishment for violation of this act providing that this tax shall self-destruct at the end of four years and providing for a referendum.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 337, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 337—to the Committee on Local Legislation No. 1

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 19. COMMENDING HAMP GREENE OF MONTGOMERY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S. J. R. 22. MOURNING THE DEATH OF ED YARBROUGH OF CENTRE, ALABAMA.

Also:

S. J. R. 27. CONGRATULATING THE ALABAMA SCHOOL FOR THE DEAF LADY WARRIORS ON THE TEAM'S 1987 NATIONAL CHAMPIONSHIP.

Also:

S. J. R. 28. COMMENDING THE ALABAMA SCHOOL FOR THE DEAF SILENT WARRIORS AND COACH DEWAYNE CLARK ON THE 1987 DEAF SCHOOL NATIONAL CHAMPIONSHIP.

Also:

S. J. R. 29. CONGRATULATING THE ELMORE COUNTY HIGH SCHOOL PANTHERS AS OUR STATE 4A FOOTBALL CHAMPIONS FOR 1987.

Also:

S. J. R. 31. CONGRATULATING TROY STATE UNIVERSITY ON THE 1987 NCAA DIVISION II NATIONAL FOOTBALL CHAMPIONSHIP.

Also:

S. J. R. 32. HONORING RICK RHOADES, HEAD COACH AT TROY STATE UNIVERSITY SINCE 1985.

Also:

S. J. R. 33. COMMENDING MIKE TURK OF TROY STATE UNIVERSITY ON HIS OUTSTANDING COLLEGIATE FOOTBALL CAREER.

Also:

S. J. R. 34. COMMENDING MR. AND MRS. DORSEY CHALMUS KELLEY ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

S. J. R. 35. COMMENDING THE MONTGOMERY ACADEMY EAGLES AS OUR 1987 STATE 1A FOOTBALL CHAMPIONS.

Also:

S. J. R. 40. COMMENDING FRED BOREN OF HAYDEN, ALABAMA, FOR DISTINGUISHED COMMUNITY SERVICE.

JIM SMITH,
Vice Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 67. Relating to the City of Anniston in Calhoun County; amending Act No. 404, S. 430, 1953 Regular Session, as amended, which establishes the council-manager form of government, so as to provide further for the compensation of the members of the city council.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B. I. R., S. B. 115, adopted.

Yeas 21; Nays 1.

Yeas:

Senators:	Cabaniss	Goodwin	Manley	
Bailey	Campbell	Hale	Menton	
Barron	deGraffenried	Hand	Mitchem	
Bedsole	Denton	Holmes	Rice	
Bennett	Dixon	Horn	Smith (J)	
Bishop	Foshee			—21

Nay: Senator Corbett —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 115. Relating to banks and banking, which amends Title 5 of the Code of Alabama 1975 by adding Chapter 14A so as to create the "Alabama Credit Card Act"; provides a short title; provides definitions; authorizes any bank holding company, bank holding company subsidiary, domestic lender or foreign lender to establish or acquire, and own and control either singly or jointly with other bank holding companies, bank holding company subsidiaries, domestic lenders or foreign lenders, a single credit card bank whose principal place of business is in Alabama subject to the approval of the Superintendent of Banks; provides the terms, conditions and limitations under which a credit card bank may be established or acquired, and owned and controlled; provides that in connection with a credit card account any domestic lender or credit card bank may provide in the credit card agreement such finance charges, interest rates, charges for cash advances, charges for exceeding pre-established credit limits, late fees or delinquency charges, premiums on credit life and credit accident and health insurance, annual fees, and other charges and fees, and such other terms and conditions as the lender and the debtor may agree to from time to time; provides for regulatory supervision of, and enforcement authority over, credit card banks; provides for applications, and application filing fees to the Superintendent of Banks; provides that the Superintendent may order credit card banks to cease all operations under certain conditions and may impose civil penalties for failure to abide by such order; provides that the Superintendent may

require divestiture of a credit card bank under certain conditions; provides that the Superintendent may promulgate rules and regulations; provides that credit card banks shall be subject to all other banking laws except where any rights, powers, privileges or provisions thereof are inconsistent with the rights, powers, privileges, provisions or limitations of Chapter 14A of Title 5 of Code of Alabama 1975; provides that a credit card bank shall not be considered a "bank" for the purpose of certain banking laws; provides for severability of provisions; provides for the repeal of Section 5-20-1, Code of Alabama 1975, which establishes fees for credit cards and certain other open-end credit plans, and for the amendment or repeal of conflicting provisions of law; and provides an effective date.

was taken up.

Senator Corbett offered the following substitute for the Bill, S. B. 115, to-wit:

SUBSTITUTE FOR S. B. 115

**A BILL
TO BE ENTITLED
AN ACT**

Relating to banks and banking, which amends Title 5 of the Alabama Code of 1975 by adding Chapter 14A so as to create the "Alabama Credit Card Act of 1987"; provides a short title; provides definitions; authorizes any bank holding company, bank holding company subsidiary, domestic lender or foreign lender, to acquire, own, and control a single credit card bank whose principal place of business is in Alabama subject to the approval of the Superintendent of Banks under certain conditions and limitations; provides the terms and conditions under which a credit card bank may be organized, owned, and controlled; provides for application fees to the Superintendent; provides that in connection with a credit card account any domestic lender or credit card bank may provide in the credit card agreement such finance charges, interest rates, charges for cash advances, charges for exceeding pre-established credit limits, late fees or delinquency charges, premiums on credit life and credit accident and health insurance, annual fees, and other charges and fees, and such other terms and conditions, as the lender and the debtor may agree to from time to time; provides applicable law for regulatory supervision and enforcement authority for credit card banks; provides for applications and filing fees to the Superintendent of Banks; provides that the Superintendent may order credit card banks to cease all operations under certain conditions and may impose civil penalties for failure to abide by such order; provides that the Superintendent may require divestiture of a credit card bank under certain conditions; provides that the Superintendent may promulgate rules and regulations; provides that credit card banks shall be subject to all other banking laws except when any rights, powers, privileges, or provisions thereof are inconsistent with the rights, powers, privileges, provisions, or limitations of Chapter 14A of Title 5; provides that a credit card bank shall not be considered a bank for the purpose of certain banking laws; provides for severability of provisions; provides for the repeal of Section 5-20-1, Code of Alabama of 1975, which establishes fees for credit cards and certain other open-end credit plans, and for the amendment or repeal of conflicting provisions of law and provides an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Title 5 of the Code of Alabama 1975 is hereby amended by adding Chapter 14A to read as follows:

CHAPTER 14A

§5-14A-1. Short Title. This Act shall be known and may be cited as “The Alabama Credit Card Act of 1987.”

§5-14A-2. Notwithstanding any other provision of law for the purposes of this chapter, the following terms shall have the meanings ascribed by this section:

(1) “ALABAMA BANK” means a bank which is organized under the laws of this state or the United States and which has its principal place of business in this state.

(2) “BANK” means any “insured bank” as such term is defined in Section 3(h) of the Federal Deposit Insurance Act, 12 U.S.C. §1813(h), or any institution eligible to become an insured bank as such term is defined therein, which, in either event:

(A) Accepts deposits that the depositor has a legal right to withdraw on demand; and

(B) Engages in the business of making commercial loans.

(3) “BANK HOLDING COMPANY” means any company which is a bank holding company under the Bank Holding Company Act of 1956, as amended, 12 U.S.C. §1841(a).

(4) “CREDIT CARD” means any type of arrangement or loan agreement pursuant to which any domestic lender or credit card bank, whether directly or indirectly through any domestic lender acting as its agent, gives a debtor the privilege of using a credit card or other credit confirmation, device or instrument of any type in transactions out of which debt arises:

(A) By the domestic lender or credit card bank honoring a draft or other order, whether written, verbal or electronic, for the payment of money and which is created, authorized, issued, or accepted by the debtor; or

(B) By the domestic lender or credit card bank paying or agreeing to pay the debtor's obligation.

(5) “CREDIT CARD ACCOUNT” means an arrangement or agreement between a debtor and a domestic lender, or credit card bank, whether directly or indirectly through any domestic lender acting as its agent, which provides for the creation of debt pursuant to a credit card and under which:

(A) The domestic lender or credit card bank may permit the debtor to create debt from time to time;

(B) The unpaid balance of principal of such debt and the loan, finance, and other charges and fees are debited to an account;

(C) A loan finance charge is computed or an interest rate imposed upon the outstanding balances of the debtor's account from time to time; and

(D) The domestic lender or credit card bank is to render bills or statements to the debtor at regular intervals, the amount of which bills or statements is payable by and due from the debtor on a specified date as stated in such bill or statement or, at the option of the debtor, but subject to the terms and conditions of the credit card account, may be paid by the debtor in installments.

(6) "CREDIT CARD BANK" means any Alabama bank which is organized hereunder and whose activities are limited to those permitted under this Chapter.

(7) "SUPERINTENDENT" means the Superintendent of Banks of this state.

(8) "DOMESTIC LENDER" means any Alabama bank, savings and loan association, savings bank, or credit union organized or chartered under the laws of this state or the United States which has its principal place of business in this state and which is authorized by law to (i) make loans, and (ii) accept deposits payable on demand, or in the case of savings and loan associations, savings banks, or credit unions, accepts deposit accounts or shares subject to negotiable orders of withdrawal, which deposits or accounts are insured by an agency of the United States.

(9) "FOREIGN LENDER" means any bank other than an Alabama bank, or any savings and loan association, savings bank, or credit union organized or chartered under the laws of any state other than Alabama or of the United States which has its principal place of business outside this state and which is authorized by law to (i) make loans and (ii) accept deposits payable on demand, or in the deposit accounts or shares subject to negotiable orders of withdrawal, which accounts or deposits are insured by an agency of the United States.

§5-14A-3. Establishment or Acquisition of a Credit Card Bank. Subject to the provisions of this chapter and to the prior approval of the Superintendent, any bank holding company, bank holding company subsidiary, domestic lender or foreign lender may acquire, and own and control all or substantially all the voting shares of a single credit card bank located in Alabama when and for so long as the following conditions are satisfied:

(1) If the credit card bank is to be organized under the laws of this state, such bank shall be organized as provided in this Chapter and in the manner provided in Chapter 5A of this title;

(2) In connection with the application to organize, or to acquire control of a credit card bank, the applicant shall pay a filing fee to the Alabama Department of Banking in an amount not less than \$15,000 to be set by the Superintendent and approved by the Alabama Department of Banking;

(3) The shares of a credit card bank shall be owned solely by a bank holding company, a bank holding subsidiary, a domestic lender or a foreign lender;

(4) Any credit card bank shall conduct its business only from a single office in this state;

(5) Each credit card bank shall have total initial capital accounts actually paid in of not less than \$1,750,000, and at all times thereafter shall

maintain such minimum capital together with such additional capital accounts such that it shall have total capital not less than that capital generally required of Alabama banks supervised by the Superintendent;

(6) The credit card bank may only engage in the business of soliciting, processing, and extending credit pursuant to credit card accounts and conducting such other activities as may be necessary incidents thereto;

(7) The credit card bank may accept deposits only from affiliates of the credit card banks having their principal place of business outside of this state;

(8) The credit card bank must operate a single office whose location and manner of operation are not likely to attract customers from the general public in this state to the substantial detriment of other existing banks and depository institutions located in this state;

(9) The credit card bank shall have, within one year of the date it commences operations, no fewer than 40 employees located in this state devoted to its credit card activities; and

(10) A domestic lender is not required to establish a credit card bank to issue credit cards and create credit card accounts.

§5-14A-4. Charges, Rates and Fees. Notwithstanding the provisions of any other law, in connection with a credit card account, any domestic lender or a credit card bank may provide in the credit card agreement such charges for cash advances, charges for extensions of credit in excess of pre-established limits, late fees or delinquency charges, premiums on credit life and credit accident and sickness insurance, annual fees and other charges and fees, and such other terms and conditions as such domestic lender or credit card bank and the debtor may agree from time to time. Further, in addition to and apart from the charges and fees set forth above, in connection with a credit card account, any domestic lender or credit card bank may impose no higher finance charges and interest rates than the lowest amount charged by any bank in the United States. In the event any domestic lender or credit card bank desires to modify in any respect any term of the credit card account, it shall first provide at least 30 days' prior written notice of such modification to the debtor. In providing such notice, such domestic lender or credit card bank shall advise the debtor in writing that the debtor has the option (i) to surrender the credit card whereupon the debtor shall have the right to continue to pay off the credit card account in the same manner and under the same terms and conditions as then in effect; or (ii) to hold the credit card after the 30 day period has elapsed, or to use the credit card during such period, either of which shall constitute the debtor's consent to the modification.

§5-14A-5. Application for Approval; Filing Fee. Any bank holding company, bank holding company subsidiary, domestic lender or foreign lender proposing to acquire a credit card bank pursuant to this Chapter shall file an application with the Superintendent for prior approval to make such acquisition. Such application shall contain such information as the Superintendent may require, and shall specifically acknowledge an applicant's agreement to be bound by the conditions set forth in Section 5-14A-3. In addition, such application shall designate a resident of this state as the applicant's registered agent in connection with matters arising out of this chapter and shall be accompanied by the filing fee specified in Section 5-14A-3.

§5-14A-6. Supervision and Enforcement. (1) All credit card banks organized under the laws of this state shall be subject to the supervision, regulation, and examination of the Superintendent and the Superintendent shall have all enforcement powers with respect thereto as are provided in this title.

(2) In the event any credit card bank does not conduct its business consistent with the provisions of Section 5-14A-3, the Superintendent may require such credit card bank to cease all unauthorized activities, and may issue cease and desist orders and exercise any other rights or powers provided by this Title, including but not limited to seeking equitable or legal remedies. In the event such credit card bank fails to abide by any order, the Superintendent may in addition to all other rights, remedies, and powers it may have under this title:

(a) Impose upon the credit card bank or its parent bank holding company, bank holding company subsidiary, domestic lender or foreign lender, a penalty of up to \$10,000 per day for each day such order is violated; and

(b) Require divestiture of such credit card bank by any person not qualified to acquire such credit card bank on the date it ceased to operate within the limitations imposed by Section 5-14A-4.

(3) The Superintendent shall have the power to promulgate rules and regulations implementing the provisions of this chapter in the manner provided by Sections 5-2A-7 and 5-2A-8.

§5-14A-7. Applicable Law. (a) A credit card bank shall be subject to all provisions of this title except to the extent any rights, powers, privileges, or provisions of this title are inconsistent with the rights, powers, privileges, provisions, or limitations of this Chapter.

(b) A credit card bank shall not be considered a "bank" for the purposes of Section 5-5A-20 or Chapter 13A of Title 5.

§5-14A-8. Severability. If any provision or clause of this Chapter or application thereof to any entity or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared to be severable.

§5-14A-9. Construction With Other Laws; Repeal of Conflicting Laws. Section 5-20-1, Code of Alabama, 1975, which establishes fees for credit cards and certain other open-end credit plans, is repealed. To the extent other laws or parts of laws, whether general, local, or general laws of local application, conflict with this Chapter, such other laws or parts of laws are hereby amended or repealed to the extent of such conflict as necessary to permit full effectiveness of the provisions of this Chapter; provided, however, nothing contained in this chapter shall be construed to amend or modify the provisions of Chapter 13A of Title 5, Code of Alabama 1975, as currently amended.

§5-14A-10. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Corbett then offered the following substitute No. 2 for substitute No. 1 for the Bill, S. B. 115, to-wit:

SUBSTITUTE NO. 2 FOR SUBSTITUTE NO. 1 FOR S. B. 115

**A BILL
TO BE ENTITLED
AN ACT**

Relating to banks and banking, which amends Title 5 of the Alabama Code of 1975 by adding Chapter 14A so as to create the "Alabama Credit Card Act of 1987"; provides a short title; provides definitions; authorizes any bank holding company, bank holding company subsidiary, domestic lender or foreign lender, to acquire, own, and control a single credit card bank whose principal place of business is in Alabama subject to the approval of the Superintendent of Banks under certain conditions and limitations; provides the terms and conditions under which a credit card bank may be organized, owned, and controlled; provides for application fees to the Superintendent; provides that in connection with a credit card account any domestic lender or credit card bank may provide in the credit card agreement certain maximum finance charges, interest rates, charges for cash advances, charges for exceeding pre-established credit limits, late fees or delinquency charges, premiums on credit life and credit accident and health insurance, annual fees, and other charges and fees, and certain other terms and conditions; provides applicable law for regulatory supervision and enforcement authority for credit card banks; provides for applications and filing fees to the Superintendent of Banks; provides that the Superintendent may order credit card banks to cease all operations under certain conditions and may impose civil penalties for failure to abide by such order; provides that the Superintendent may require divestiture of a credit card bank under certain conditions; provides that the Superintendent may promulgate rules and regulations; provides that credit card banks shall be subject to all other banking laws except when any rights, powers, privileges, or provisions thereof are inconsistent with the rights, powers, privileges, provisions, or limitations of Chapter 14A of Title 5; provides that a credit card bank shall not be considered a bank for the purpose of certain banking laws; provides for severability of provisions; provides for the repeal of Section 5-20-1, Code of Alabama 1975, which establishes fees for credit cards and certain other open-end credit plans, and for the amendment or repeal of conflicting provisions of law and provides an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Title 5 of the Code of Alabama 1975 is hereby amended by adding Chapter 14A to read as follows:

CHAPTER 14A

§5-14A-1. **Short Title.** This Act shall be known and may be cited as "The Alabama Credit Card Act of 1987."

§5-14A-2. Notwithstanding any other provision of law, for the purposes of this chapter, the following terms shall have the meanings ascribed by this section:

(1) "ALABAMA BANK" means a bank which is organized under the laws of this state or the United States and which has its principal place of business in this state.

(2) "BANK" means any "insured bank" as such term is defined in Section 3(h) of the Federal Deposit Insurance Act, 12 U.S.C. §1813(h), or any institution eligible to become an insured bank as such term is defined therein, which, in either event:

(A) Accepts deposits that the depositor has a legal right to withdraw on demand; and

(B) Engages in the business of making commercial loans.

(3) "BANK HOLDING COMPANY" means any company which is a bank holding company under the Bank Holding Company Act of 1956, as amended, 12 U.S.C. §1841(a).

(4) "CREDIT CARD" means any type of arrangement or loan agreement pursuant to which any domestic lender or credit card bank, whether directly or indirectly through any domestic lender acting as its agent, gives a debtor the privilege of using a credit card or other credit confirmation, device or instrument of any type in transactions out of which debt arises:

(A) By the domestic lender or credit card bank honoring a draft or other order, whether written, verbal or electronic, for the payment of money and which is created, authorized, issued, or accepted by the debtor; or

(B) By the domestic lender or credit card bank paying or agreeing to pay the debtor's obligation.

(5) "CREDIT CARD ACCOUNT" means an arrangement or agreement between a debtor and a domestic lender, or credit card bank, whether directly or indirectly through any domestic lender acting as its agent, which provides for the creation of debt pursuant to a credit card and under which:

(A) The domestic lender or credit card bank may permit the debtor to create debt from time to time;

(B) The unpaid balance of principal of such debt and the loan, finance, and other charges and fees are debited to an account;

(C) A loan finance charge is computed or an interest rate imposed upon the outstanding balances of the debtor's account from time to time; and

(D) The domestic lender or credit card bank is to render bills or statements to the debtor at regular intervals, the amount of which bills or statements is payable by and due from the debtor on a specified date as stated in such bill or statement or, at the option of the debtor, but subject to the terms and conditions of the credit card account, may be paid by the debtor in installments.

(6) "CREDIT CARD BANK" means any Alabama bank which is organized hereunder and whose activities are limited to those permitted under this Chapter.

(7) "SUPERINTENDENT" means the Superintendent of Banks of this state.

(8) "DOMESTIC LENDER" means any Alabama bank, savings and loan association, savings bank, or credit union organized or chartered under the laws of this state or the United States which has its principal place of business in this state and which is authorized by law to (i) make loans, and (ii) accept deposits payable on demand, or in the case of savings and loan associations, savings banks, or credit unions, accepts deposit accounts or

shares subject to negotiable orders of withdrawal, which deposits or accounts are insured by an agency of the United States.

(9) "FOREIGN LENDER" means any bank other than an Alabama bank, or any savings and loan association, savings bank, or credit union organized or chartered under the laws of any state other than Alabama or of the United States which has its principal place of business outside this state and which is authorized by law to (i) make loans and (ii) accept deposits payable on demand, or in the deposit accounts or shares subject to negotiable orders of withdrawal, which account or deposits are insured by an agency of the United States.

§5-14A-3. Establishment or Acquisition of a Credit Card Bank. Subject to the provisions of this chapter and to the prior approval of the Superintendent, any bank holding company, bank holding company subsidiary, domestic lender or foreign lender may acquire, and own and control all or substantially all the voting shares of a single credit card bank located in Alabama when and for so long as the following conditions are satisfied:

(1) If the credit card bank is to be organized under the laws of this state, such bank shall be organized as provided in this Chapter and in the manner provided in Chapter 5A of this title;

(2) In connection with the application to organize, or to acquire control of a credit card bank, the applicant shall pay a filing fee to the Alabama Department of Banking in an amount not less than \$15,000 to be set by the Superintendent and approved by the Alabama Department of Banking;

(3) The shares of a credit card bank shall be owned solely by a bank holding company, a bank holding subsidiary, a domestic lender or a foreign lender;

(4) Any credit card bank shall conduct its business only from a single office in this state;

(5) Each credit card bank shall have total initial capital accounts actually paid in of not less than \$1,750,000, and at all times thereafter shall maintain such minimum capital together with such additional capital accounts such that it shall have total capital not less than that capital generally required of Alabama banks supervised by the Superintendent;

(6) The credit card bank may only engage in the business of soliciting, processing, and extending credit pursuant to credit card accounts and conducting such other activities as may be necessary incidents thereto;

(7) The credit card bank may accept deposits only from affiliates of the credit card banks having their principal place of business outside of this state;

(8) The credit card bank must operate a single office whose location and manner of operation are not likely to attract customers from the general public in this state to the substantial detriment of other existing banks and depository institutions located in this state;

(9) The credit card bank shall have, within one year of the date it commences operations, no fewer than 40 employees located in this state devoted to its credit card activities; and

(10) A domestic lender is not required to establish a credit card bank to issue credit cards and create credit card accounts.

§5-14A-4. Charges, Rates and Fees. Notwithstanding the provisions of any other law, in connection with a credit card account, any domestic lender or a credit card bank may provide in the credit card agreement such charges for cash advances, charges for extensions of credit in excess of pre-established limits, late fees or delinquency charges, premiums on credit life and credit accident and sickness insurance, annual fees and other charges and fees, and such other terms and conditions as such domestic lender or credit card bank and the debtor may agree from time to time. Further, in addition to and apart from the charges and fees set forth above, in connection with a credit card account, and any domestic lender or credit card bank may impose such finance charges and interest rates in an amount not to exceed two (2) percentage points above the prevailing rate of interest charged on single family home real estate mortgage loans guaranteed by the United States Veterans' Administration. In the event any domestic lender or credit card bank desires to modify in any respect any term of the credit card account, it shall first provide at least 30 days' prior written notice of such modification to the debtor. In providing such notice, such domestic lender or credit card bank shall advise the debtor in writing that the debtor has the option (i) to surrender the credit card whereupon the debtor shall have the right to continue to pay off the credit card account in the same manner and under the same terms and conditions as then in effect; or (ii) to hold the credit card after the 30 day period has elapsed, or to use the credit card during such period, either of which shall constitute the debtor's consent to the modification.

§5-14A-5. Application for Approval; Filing Fee. Any bank holding company, bank holding company subsidiary, domestic lender or foreign lender proposing to acquire a credit card bank pursuant to this Chapter shall file an application with the Superintendent for prior approval to make such acquisition. Such application shall contain such information as the Superintendent may require, and shall specifically acknowledge an applicant's agreement to be bound by the conditions set forth in Section 5-14A-3. In addition, such application shall designate a resident of this state as the applicant's registered agent in connection with matters arising out of this chapter and shall be accompanied by the filing fee specified in Section 5-14A-3.

§5-14A-6. Supervision and Enforcement. (1) All credit card banks organized under the laws of this state shall be subject to the supervision, regulation, and examination of the Superintendent and the Superintendent shall have all enforcement powers with respect thereto as are provided in this title.

(2) In the event any credit card bank does not conduct its business consistent with the provisions of Section 5-14A-3, the Superintendent may require such credit card bank to cease all unauthorized activities, and may issue cease and desist orders and exercise any other rights or powers provided by this Title, including but not limited to seeking equitable or legal remedies. In the event such credit card bank fails to abide by any order, the Superintendent may in addition to all other rights, remedies, and powers it may have under this title:

(a) Impose upon the credit card bank or its parent bank holding company, bank holding company subsidiary, domestic lender or foreign lender, a penalty of up to \$10,000 per day for each day such order is violated; and

(b) Require divestiture of such credit card bank by any person not qualified to acquire such credit card bank on the date it ceased to operate within the limitations imposed by Section 5-14A-4.

(3) The Superintendent shall have the power to promulgate rules and regulations implementing the provisions of this chapter in the manner provided by Sections 5-2A-7 and 5-2A-8.

§5-14A-7. Applicable Law. (a) A credit card bank shall be subject to all provisions of this title except to the extent any rights, powers, privileges, or provisions of this title are inconsistent with the rights, powers, privileges, provisions, or limitations of this Chapter.

(b) A credit card bank shall not be considered a "bank" for the purposes of Section 5-5A-20 or Chapter 13A of Title 5.

§5-14A-8. Severability. If any provision or clause of this Chapter or application thereof to any entity or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared to be severable.

§5-14A-9. Construction With Other Laws; Repeal of Conflicting Laws. Section 5-20-1, Code of Alabama, 1975, which establishes fees for credit cards and certain other open-end credit plans, is repealed. To the extent other laws or parts of laws, whether general, local, or general laws of local application, conflict with this Chapter, such other laws or parts of laws are hereby amended or repealed to the extent of such conflict as necessary to permit full effectiveness of the provisions of this Chapter; provided, however, nothing contained in this chapter shall be construed to amend or modify the provisions of Chapter 13A of Title 5, Code of Alabama of 1975, as currently amended.

§5-14A-10. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Senator deGraffenried, said substitute No. 2 for substitute No. 1 was laid on the table.

Senator Corbett then offered the following substitute No. 3 for substitute No. 1 for the Bill, S. B. 115, to-wit:

SUBSTITUTE NO. 3 FOR SUBSTITUTE NO. 1 FOR S. B. 115

A BILL TO BE ENTITLED AN ACT

Relating to banks and banking, which amends Title 5 of the Alabama Code of 1975 by adding Chapter 14A so as to create the "Alabama Credit Card Act of 1987"; provides a short title; provides definitions; authorizes any bank holding company, bank holding company subsidiary, domestic lender or foreign lender, to acquire, own, and control a single credit card bank whose principal place of business is in Alabama subject to the approval of the Superintendent of Banks under certain conditions and limitations; provides the terms and conditions under which a credit card bank may be organized, owned, and controlled; provides for application fees to the Superintendent; provides that in connection with a credit card account any domestic lender or credit card bank may provide in the credit card agreement certain maximum finance charges, interest rates, charges for cash advances, charges for exceeding pre-established credit limits, late fees or delinquency charges, premiums on credit life and credit accident and health insurance,

annual fees, and other charges and fees, and such other terms and conditions; provides applicable law for regulatory supervision and enforcement authority for credit card banks; provides for applications and filing fees to the Superintendent of Banks; provides that the Superintendent may order credit card banks to cease all operations under certain conditions and may impose civil penalties for failure to abide by such order; provides that the Superintendent may require divestiture of a credit card bank under certain conditions; provides that the Superintendent may promulgate rules and regulations; provides that credit card banks shall be subject to all other banking laws except when any rights, powers, privileges, or provisions thereof are inconsistent with the rights, powers, privileges, provisions, or limitations of Chapter 14A of Title 5; provides that a credit card bank shall not be considered a bank for the purpose of certain banking laws; provides for severability of provisions; provides for the repeal of Section 5-20-1, Code of Alabama of 1975, which establishes fees for credit cards and certain other open-end credit plans, and for the amendment or repeal of conflicting provisions of law and provides an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Title 5 of the Code of Alabama 1975 is hereby amended by adding Chapter 14A to read as follows:

CHAPTER 14A

§5-14A-1. Short Title. This Act shall be known and may be cited as "The Alabama Credit Card Act of 1987."

§5-14A-2. Notwithstanding any other provision of law, for the purposes of this chapter, the following terms shall have the meanings ascribed by this section:

(1) "ALABAMA BANK" means a bank which is organized under the laws of this state or the United States and which has its principal place of business in this state.

(2) "BANK" means any "insured bank" as such term is defined in Section 3(h) of the Federal Deposit Insurance Act, 12 U.S.C. §1813(h), or any institution eligible to become an insured bank as such term is defined therein, which, in either event:

(A) Accepts deposits that the depositor has a legal right to withdraw on demand; and

(B) Engages in the business of making commercial loans.

(3) "BANK HOLDING COMPANY" means any company which is a bank holding company under the Bank Holding Company Act of 1956, as amended, 12 U.S.C. §1841(a).

(4) "CREDIT CARD" means any type of arrangement or loan agreement pursuant to which any domestic lender or credit card bank, whether directly or indirectly through any domestic lender acting as its agent, gives a debtor the privilege of using a credit card or other credit confirmation, device or instrument of any type in transactions out of which debt arises:

(A) By the domestic lender or credit card bank honoring a draft or other order, whether written, verbal or electronic, for the payment of money and which is created, authorized, issued, or accepted by the debtor; or

(B) By the domestic lender or credit card bank paying or agreeing to pay the debtor's obligation.

(5) "CREDIT CARD ACCOUNT" means an arrangement or agreement between a debtor and a domestic lender, or credit card bank, whether directly or indirectly through any domestic lender acting as its agent, which provides for the creation of debt pursuant to a credit card and under which:

(A) The domestic lender or credit card bank may permit the debtor to create debt from time to time;

(B) The unpaid balance of principal of such debt and the loan, finance, and other charges and fees are debited to an account;

(C) A loan finance charge is computed or an interest rate imposed upon the outstanding balances of the debtor's account from time to time; and

(D) The domestic lender or credit card bank is to render bills or statements to the debtor at regular intervals, the amount of which bills or statements is payable by and due from the debtor on a specified date as stated in such bill or statement or, at the option of the debtor, but subject to the terms and conditions of the credit card account, may be paid by the debtor in installments.

(6) "CREDIT CARD BANK" means any Alabama bank which is organized hereunder and whose activities are limited to those permitted under this Chapter.

(7) "SUPERINTENDENT" means the Superintendent of Banks of this state.

(8) "DOMESTIC LENDER" means any Alabama bank, savings and loan association, savings bank, or credit union organized or chartered under the laws of this state or the United States which has its principal place of business in this state and which is authorized by law to (i) make loans, and (ii) accept deposits payable on demand, or in the case of savings and loan associations, savings banks, or credit unions, accepts deposit accounts or shares subject to negotiable orders of withdrawal, which deposits or accounts are insured by an agency of the United States.

(9) "FOREIGN LENDER" means any bank other than an Alabama bank, or any savings and loan association, savings bank, or credit union organized or chartered under the laws of any state other than Alabama or of the United States which has its principal place of business outside this state and which is authorized by law to (i) make loans and (ii) accept deposits payable on demand, or in the deposit accounts or shares subject to negotiable orders of withdrawal, which account or deposits are insured by an agency of the United States.

§5-14A-3. Establishment or Acquisition of a Credit Card Bank. Subject to the provisions of this chapter and to the prior approval of the Superintendent, any bank holding company, bank holding company subsidiary, domestic lender or foreign lender may acquire, and own and control all or substantially all the voting shares of a single credit card bank located in Alabama when and for so long as the following conditions are satisfied:

(1) If the credit card bank is to be organized under the laws of this state, such bank shall be organized as provided in this Chapter and in the manner provided in Chapter 5A of this title;

(2) In connection with the application to organize, or to acquire control of a credit card bank, the applicant shall pay a filing fee to the Alabama Department of Banking in an amount not less than \$15,000 to be set by the Superintendent and approved by the Alabama Department of Banking;

(3) The shares of a credit card bank shall be owned solely by a bank holding company, a bank holding subsidiary, a domestic lender or a foreign lender;

(4) Any credit card bank shall conduct its business only from a single office in this state;

(5) Each credit card bank shall have total initial capital accounts actually paid in of not less than \$1,750,000, and at all times thereafter shall maintain such minimum capital together with such additional capital accounts such that it shall have total capital not less than that capital generally required of Alabama banks supervised by the Superintendent;

(6) The credit card bank may only engage in the business of soliciting, processing, and extending credit pursuant to credit card accounts and conducting such other activities as may be necessary incidents thereto;

(7) The credit card bank may accept deposits only from affiliates of the credit card banks having their principal place of business outside of this state;

(8) The credit card bank must operate a single office whose location and manner of operation are not likely to attract customers from the general public in this state to the substantial detriment of other existing banks and depository institutions located in this state;

(9) The credit card bank shall have, within one year of the date it commences operations, no fewer than 40 employees located in this state devoted to its credit card activities; and

(10) A domestic lender is not required to establish a credit card bank to issue credit cards and create credit card accounts.

§5-14A-4. Charges, Rates and Fees. Notwithstanding the provisions of any other law, in connection with a credit card account, any domestic lender or a credit card bank may provide in the credit card agreement such charges for cash advances, charges for extensions of credit in excess of pre-established limits, late fees or delinquency charges, premiums on credit life and credit accident and sickness insurance, annual fees and other charges and fees, and such other terms and conditions as such domestic lender or credit card bank and the debtor may agree from time to time. Further, in addition to and apart from the charges and fees set forth above, in connection with a credit card account, and any domestic lender or credit card bank may impose such finance charges and interest rates in an amount not to exceed two (2) percentage points above the average prime rate of interest charged by the two largest banking institutions in this state. In the event any domestic lender or credit card bank desires to modify in any respect any term of the credit card account, it shall first provide at least 30 days' prior written notice of such modification to the debtor. In providing such notice, such domestic lender or credit card bank shall advise the debtor in writing that the debtor has the option (i) to surrender the credit card whereupon the debtor shall have the right to continue to pay off the credit card account in the same manner and under the same terms and conditions as then in effect; or (ii) to hold the credit card after the 30 day period has elapsed, or to use the

credit card during such period, either of which shall constitute the debtor's consent to the modification.

§5-14A-5. Application for Approval; Filing Fee. Any bank holding company, bank holding company subsidiary, domestic lender or foreign lender proposing to acquire a credit card bank pursuant to this Chapter shall file an application with the Superintendent for prior approval to make such acquisition. Such application shall contain such information as the Superintendent may require, and shall specifically acknowledge an applicant's agreement to be bound by the conditions set forth in Section 5-14A-3. In addition, such application shall designate a resident of this state as the applicant's registered agent in connection with matters arising out of this chapter and shall be accompanied by the filing fee specified in Section 5-14A-3.

§5-14A-6. Supervision and Enforcement. (1) All credit card banks organized under the laws of this state shall be subject to the supervision, regulation, and examination of the Superintendent and the Superintendent shall have all enforcement powers with respect thereto as are provided in this title.

(2) In the event any credit card bank does not conduct its business consistent with the provisions of Section 5-14A-3, the Superintendent may require such credit card bank to cease all unauthorized activities, and may issue cease and desist orders and exercise any other rights or powers provided by this Title, including but not limited to seeking equitable or legal remedies. In the event such credit card bank fails to abide by any order, the Superintendent may in addition to all other rights, remedies, and powers it may have under this title:

(a) Impose upon the credit card bank or its parent bank holding company, bank holding company subsidiary, domestic lender or foreign lender, a penalty of up to \$10,000 per day for each day such order is violated; and

(b) Require divestiture of such credit card bank by any person not qualified to acquire such credit card bank on the date it ceased to operate within the limitations imposed by Section 5-14A-4.

(3) The Superintendent shall have the power to promulgate rules and regulations implementing the provisions of this chapter in the manner provided by Sections 5-2A-7 and 5-2A-8.

§5-14A-7. Applicable Law. (a) A credit card bank shall be subject to all provisions of this title except to the extent any rights, powers, privileges, or provisions of this title are inconsistent with the rights, powers, privileges, provisions, or limitations of this Chapter.

(b) A credit card bank shall not be considered a "bank" for the purposes of Section 5-5A-20 or Chapter 13A of Title 5.

§5-14A-8. Severability. If any provision or clause of this Chapter or application thereof to any entity or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared to be severable.

§5-14A-9. Construction With Other Laws; Repeal of Conflicting Laws. Section 5-20-1, Code of Alabama, 1975, which establishes fees for credit cards and certain other open-end credit plans, is repealed. To the extent

other laws or parts of laws, whether general, local, or general laws of local application, conflict with this Chapter, such other laws or parts of laws are hereby amended or repealed to the extent of such conflict as necessary to permit full effectiveness of the provisions of this Chapter; provided, however, nothing contained in this chapter shall be construed to amend or modify the provisions of Chapter 13A of Title 5, Code of Alabama of 1975, as currently amended.

§5-14A-10. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

PETITION

At 7:10 P.M., pursuant to the provisions of Senate Rule 21, the following petition was read and ordered spread upon the Journal, to-wit:

PETITION

We, the undersigned, hereby declare that debate on the Bill S. 115, shall cease at 7:40 o'clock P.M. on February 17, 1988

- | | |
|----------------------------|--------------|
| 1. Ryan deGraffenried, Jr. | 11. Bailey |
| 2. Jim Smith | 12. Manley |
| 3. Frank Ellis, Jr. | 13. Bedsole |
| 4. Bishop | 14. Dixon |
| 5. Menton | 15. Barron |
| 6. Mitchem | 16. Cabaniss |
| 7. Foshee | 17. Hale |
| 8. Covington | 18. Preuitt |
| 9. Campbell | 19. Dial |
| 10. Hand | 20. Denton |
| | 21. Rice |

QUORUM CALL

At 7:15 P.M., Senator Corbett requested that the President and Presiding Officer of the Senate ascertain the presence of a quorum.

On a call of the roll, the following Senators responded to their names:

Senators:	Campbell	Dixon	Manley
Barron	Corbett	Ellis	Menton
Bedsole	Covington	Foshee	Mitchem
Bennett	deGraffenried	Hale	Preuitt
Bishop	Denton	Holmes	Rice
Cabaniss	Dial	Horn	Smith (J)

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FURTHER CONSIDERATION OF CLOTURE PETITION

The Senate proceeded to further consideration of the cloture petition relative to the Bill, S. B. 115.

Which was adopted.

Yeas 21; Nays 5.

Yeas:

Senators:	Campbell	Ellis	Menton
Bailey	Covington	Foshee	Mitchem
Barron	deGraffenried	Hale	Preuitt
Bedsole	Denton	Holmes	Rice
Bishop	Dial	Manley	Smith (J)
Cabaniss	Dixon		

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Nays:

Senators:	Bennett	Figures	Hilliard
Amari	Corbett		

—5

FURTHER CONSIDERATION OF S. B. 115

The Senate then proceeded to further consideration of the Bill, S. B. 115. The question was on the Corbett substitute No. 3 for substitute No. 1.

Which was lost.

The question then recurred on the Corbett substitute No. 1 for the Bill, S. B. 115, which was lost.

Yeas 2; Nays 25.

Yeas:

Senators:	Corbett	Figures	
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—2

Nays:

Senators:	Cabaniss	Ellis	Manley
Amari	Campbell	Foshee	Menton
Bailey	Covington	Hale	Mitchem
Barron	deGraffenried	Hilliard	Preuitt
Bedsole	Denton	Holmes	Rice
Bennett	Dial	Horn	Smith (J)
Bishop	Dixon		

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Senator Corbett moved that further consideration of the Bill, S. B. 115, be postponed until the Twentieth Legislative Day.

On motion of Senator deGraffenried, the motion to postpone was laid on the table.

And said Bill, S. B. 115, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 2.

Abstaining 1.

Yeas:

Senators:	Cabaniss	Ellis	Manley
Amari	Campbell	Foshee	Menton
Bailey	Covington	Hale	Mitchem
Barron	deGraffenried	Hilliard	Preuitt
Bedsole	Denton	Holmes	Rice
Bennett	Dixon	Horn	Smith (J)
Bishop			

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Nays:

Senators: Corbett Figures —2

Abstaining: Senator Dial —1

Senator deGraffenried moved that the Senate reconsider the vote by which the Bill, S. B. 115, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Kvalheim, McMillan, Hooper, Mikell, Box, Breedlove, White (L), Adams, Flowers, Carter, Harper, Junkins, Higginbotham, Layson, Cosby, Curry, and Zoghby:

H. 283. Relating to the establishment of the Alabama Impaired Physicians Committee, to provide that the State Board of Medical Examiners shall have the duty and obligation to promote early identification, intervention, treatment and rehabilitation of physicians and osteopaths impaired by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals or other substances or as a result of any physical or mental condition; to define the term impaired; to authorize the State Board of Medical Examiners to contract with any non-profit corporation or medical professional association for the creation of the Alabama Impaired Physicians Committee; to provide for the functions and responsibilities of the committee under a contract between the State Board of Medical Examiners and a non-profit corporation or medical professional association; to prescribe procedures for the reporting of information from the Alabama Impaired Physicians Committee to the State Board of Medical Examiners; to prescribe that a physician or osteopath serving as a member of the Alabama Impaired Physicians Committee shall not be liable to any person for any claim for damages as a result of any decision, opinion, investigation or action taken as a member of the Alabama Impaired Physicians Committee; to provide that a non-profit corporation or medical professional association shall not be liable to any person for damages for any action taken by the Alabama Impaired Physicians Committee or any member thereof; to provide that all information, interviews, reports, statements, memorandum or other documents furnished to or produced by the Alabama Impaired Physicians Committee and any findings, conclusions, recommendations or reports of such committee shall be privileged and confidential and shall not be considered public records nor available for court subpoena or for discovery proceedings; to provide that the Alabama Impaired Physicians Committee shall render annual reports to the State Board of Medical Examiners and shall report any physician or osteopath currently in the need of intervention, treatment, or rehabilitation who has failed or refused participation in programs of treatment or rehabilitation recommended by the Committee; to provide that a report to the Alabama Impaired Physicians Committee shall deem to be a report to the Board of Medical Examiners for the purpose of any mandated reporting of physician impairment otherwise provided for by law; to provide that where the Board of Medical Examiners has cause to believe a physician or osteopath is impaired, the Board may cause an evaluation of such physician or osteopath to be conducted by the Alabama Impaired Physicians Committee; to provide

for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 283—to the Committee on Health

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Johnson (RG), Carothers, and Haynes:

H. 193. A bill to amend §34-24-74 to provide that a physician licensed to practice medicine in any state or the District of Columbia who may be called into this state to treat a patient in consultation with a physician licensed in this state shall be allowed the temporary privilege of practicing in this state and that such privilege shall be limited to ten (10) calendar days in a calendar year; and to provide that a physician licensed to practice in any state who accompanies a patient being transported to this state for treatment shall be permitted to render medical care to the patient being transported and on arrival shall immediately refer the care of the patient to a physician licensed in this state.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 193—to the Committee on Health

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 19	S. J. R. 29	S. J. R. 34
S. J. R. 22	S. J. R. 31	S. J. R. 35
S. J. R. 27	S. J. R. 32	S. J. R. 40
S. J. R. 28	S. J. R. 33	

Delivered to the Governor February 17, 1988, at 4:45 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 7:35 P.M., on motion of Senator deGraffenried, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, February 18, 1988, at 10 o'clock A.M.

SIXTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 18, 1988

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by the Reverend Kirby Smith, Millbrook Presbyterian Church, Millbrook, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Pam Washington, Cloverdale Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Foshee	Menton
Amari	Corbett	Goodwin	Mitchem
Bailey	Covington	Hale	Parsons
Barron	deGraffenried	Hand	Preuitt
Bedford	Denton	Hilliard	Rice
Bedsole	Dial	Holmes	Sanders
Bennett	Dixon	Horn	Smith (B)
Bishop	Ellis	Langford	Smith (J)
Cabaniss	Figures	Manley	

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JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JIM SMITH,
Vice Chairperson.

COMMITTEE REPORT

On motion of Senator Smith (J), the foregoing report was concurred in and the Journal of the Senate for the Fifth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senator Drinkard for today.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Bishop:

S. 395. To amend Code of Alabama 1975, Section 9-16-81(f)(1) to provide for an annual license update fee; to amend Code of Alabama 1975, Section 9-16-90(b)(15)(d) to require annual renewal of certification for blasters and to authorize fees for blaster certification and renewal.

Committee on Natural Resources.

By Senator Bishop (With Notice and Proof):

S. 396. Relating to Pickens County; authorizing the county commission to levy an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; providing for the implementation and expiration of this act; and providing for a referendum.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 396, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bishop:

S. 397. Proposing an amendment to the Constitution of Alabama of 1901, authorizing the grant of home rule powers to Alabama county governing authorities.

Committee on Natural Resources.

The above Bill was read a first time at length as required by the Constitution.

By Senator Bedford:

S. 398. To amend section 20-2-93, Code of Alabama 1975, relating to seizure and forfeiture of property in controlled substances cases, so as to provide further therefor.

Committee on Judiciary.

By Senator Bedford:

S. 399. To provide for manufactured home safety, making it unlawful to install a manufactured home in this state unless it is properly installed, anchored, and tied down to resist certain wind loads; to provide the Alabama Manufactured Housing Commission with authority to promulgate rules and regulations to enforce this act; to provide for licensing of installers of manufactured homes; to provide criminal and other penalties for its violation, and to specifically repeal sections 24-5-30, 24-5-31, 24-5-32, 24-5-33 and 24-5-34, Code of Alabama 1975.

Committee on Governmental Affairs.

By Senator Smith (J):

S. 400. To create additional circuit and district judgeships and provide certain appropriations.

Committee on Finance and Taxation.

By Senators Bedford and Amari:

S. 401. To provide for immunity from civil liability for certain physicians for statements made concerning patients in treatment programs for alcohol and drug abuse if said patients are in DUI court referral programs.

Committee on Health.

By Senator Figures:

S. 402. To create an additional circuit judgeship in the Thirteenth Judicial Circuit and provide certain appropriations.

Committee on Finance and Taxation.

By Senator Hale:

S. 403. To amend Sections 41-4-110, 111, and 113, Code of Alabama 1975, so as to change the name of the Division of Purchases and Stores to the Division of Purchasing and to remove anachronistic language relating to the maintenance by the division of storerooms for storage and distribution of personal property.

Committee on Governmental Affairs.

By Senator Preuitt:

S. 404. To amend Section 32-5A-194, Code of Alabama, 1975, by transferring certain Forensic Science responsibilities in the State's Chemical Test for Intoxication Act from the Department of Public Health to the Department of Forensic Sciences.

Committee on Judiciary.

By Senators Preuitt, Sanders, and Campbell:

S. 405. To establish the Alabama criminal justice system council on crime and punishment; to provide for the membership on the council; to prescribe the duties and authority of the council; and to provide an effective date.

Committee on Judiciary.

By Senators Bailey and Foshee:

S. 406. To redivide the state into judicial circuits so as to create a Fortieth Judicial Circuit consisting of Geneva County, to create the offices of circuit judge and district attorney in such circuit and provide for a special election to fill certain vacancies; to provide further for salary supplements and expense allowances for certain officers; for these purposes, to amend the Code of Alabama 1975, Section 12-11-2; and to make an appropriation for operation of the new circuit.

Committee on Finance and Taxation.

By Senator Hale:

S. 407. To amend sections 41-16-20 and 41-16-24, Code of Alabama 1975, to change from \$2,000.00 to \$5,000.00 the minimum amount at which state purchases and contracts are to be made and let by competitive bid.

Committee on Finance and Taxation.

By Senator Rice:

S. 408. To amend Sections 22-21-20 and 22-21-27 of the Code of Alabama 1975, relating to licensing of hospitals, nursing homes and other health care institutions so as to include home health agencies; and to provide further for the advisory board.

Committee on Health.

By Senator Rice:

S. 409. To amend Section 11-43A-27 of the Code of Alabama 1975, as amended, relating to annual examinations of books and accounts of municipalities having a council-manager form of government, so as to provide further for such examinations.

Committee on Governmental Affairs.

By Senator Rice:

S. 410. Providing that certain personnel employed by the state alcoholic beverage control board shall have been considered as active members of the state policeman's retirement system retroactive to their original dates of employment by such board for purposes of determining their state retirement benefits and providing that such benefits to the same extent as other members under such system with additional cost being assessed to the ABC Board.

Committee on Finance and Taxation.

By Senator Hale:

S. 411. To amend Section 44-1-29, Code of Alabama 1975, so as to remove the \$500.00 minimum figure for competitive bidding for purchases and contracts made or let by the Department of Youth Services.

Committee on Finance and Taxation.

By Senators Cabaniss, Manley, Preuitt, Denton, and deGraffenried:

S. 412. Proposing an amendment to the Constitution of Alabama authorizing the investment of the trust capital and trust income of the Alabama Trust Fund and the Alabama Heritage Trust Fund in the same manner as authorized by law for the investment of funds of the Employees' Retirement System of Alabama and the Teachers' Retirement System of Alabama, and providing that any capital gains taken on the sale of any securities shall become a part of the trust capital of the Alabama Heritage Trust Fund or the Alabama Trust Fund, respectively.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Senator Hilliard:

S. 413. To amend Sections 17-4-129 and 17-4-130, Code of Alabama, 1975, relating to lists of registered voters so as to provide further for the publication of such lists.

Committee on Governmental Affairs.

By Senator Sanders:

S. 414. To amend Section 13A-6-60, Code of Alabama 1975, so as to remove the exemption from criminal responsibility of the spouse for rape and redefine the term "female" which excludes married victims.

Committee on Public Welfare.

By Senator Foshee:

S. 415. To provide further for any contract or policy of insurance or any plan or agreement for health services providing for reimbursement or payment for health services performed by any health care practitioner.

Committee on Health.

By Senators Foshee, Bedsole, and Covington:

S. 416. Requiring the statewide administrative control, supervision and regulation including certain registration and licensing of the practice of barbering, teaching of barbering, barbers, barber instructors, barber students, barber apprentices, barbershops, and barber schools; creating a state barber board for such purpose; prescribing the powers and duties of said board; abolishing all local county barber boards or commissions; providing penalties for violations; repealing or superseding all laws, whether general, general of local application, special or local, which conflict with this act; and specifically repealing sections 34-5-1 through 34-5-16 of the Code of Alabama 1975.

Committee on Governmental Affairs.

By Senators Mitchem and Bedsole:

S. 417. To amend section 2-27-9, Code of Alabama 1975, which provides for registration of pesticides and for appealing the action of the commissioner in refusing to register a pesticide by increasing registration fees from \$15 per year to \$50 per year and to provide a delinquent penalty of \$50; to provide for registration of special local needs pesticides.

Committee on Agriculture,
Conservation, and Forestry.

By Senators Mitchem and Bedsole:

S. 418. To amend §2-27-11, Code of Alabama (1975), which provides for issuance of permits to purchase restricted use pesticides; to delete the requirement that said permits list the restricted use pesticides authorized to be purchased by the permit holder.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Mitchem:

S. 419. Further providing for service charges of worthless checks for restitution and in the criminal procedure from crimes relating to worthless

checks or negotiating a worthless negotiable instrument and notice, so as to increase such charges; amending Section 12-17-224, Code of Alabama 1975, as amended by Act No. 87-565, S. 319, Regular Session 1987, relating to restitution process and service charges for worthless checks; amending Section 13A-9-13.1, Code of Alabama 1975, as amended, relating to the crime of negotiating a worthless negotiable instrument and service charges, and Section 13A-9-13.2, Code of Alabama 1975, as amended, relating to notice of such crime and service charges, so as to increase such service charges.

Committee on Judiciary.

By Senator Barron:

S. 420. To amend Sections 22-5-2 and 22-5-5, Code of Alabama 1975, relating to the state commission on physical fitness, so as to rename said commission and provide further for its role and duties relative to certain events.

Committee on Governmental Affairs.

By Senators Holmes, Covington, Foshee, and Denton:

S. 421. To amend Sections 8-17-210, 8-17-211, 8-17-213, 8-17-221, and 8-17-222, Code of Alabama 1975, which sections provide for the regulation of fireworks in Alabama, so as to provide further for such regulation.

Committee on Small Business.

By Senator Foshee:

S. 422. To provide for the organization of a public corporation in the state to be known as the State Parks and Park Facilities Development Authority; to designate the officers and members of the board of directors of the authority; to prescribe the powers and duties of the authority; to provide that the authority may issue and sell bonds for certain purposes regarding state parks and park facilities; to provide that such bonds and the income therefrom shall be exempt from taxation, and that such bonds may be issued to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies and for investment of fiduciary funds, and shall not create an obligation or debt of the state; to provide that all bonds issued by the authority may thereafter be refunded by the issuance of refunding bonds; to provide for the disposition of the proceeds of the sale of the bonds of the authority; to make an appropriation and pledge of funds from the special tax levied by Act No. 309, H. 507, of the 1967 Regular Session (Acts of 1967, p. 850), to the extent necessary to pay the principal of and interest on bonds of the authority, as such principal and interest mature; to authorize the authority to pledge such funds for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from such funds and that such bonds shall nevertheless constitute negotiable instruments; to provide that the state treasurer shall be the custodian of the funds of the authority; to provide for the dissolution of the authority.

Committee on Natural Resources.

By Senator Parsons:

S. 423. To provide that the alcoholic beverage control board shall promulgate rules and regulations to require that certain alcoholic beverages contain a label of warning.

Committee on Governmental Affairs.

By Senator Parsons:

S. 424. To provide that the Alabama Public Service Commission shall impose a surcharge on 976 service access lines.

Committee on Commerce,
Transportation, and Utilities.

By Senator Foshee:

S. 425. Relating to the Teachers' Retirement System of Alabama; providing that certain persons employed by state junior colleges and state technical colleges may elect to purchase credited service up to 24 months for certain time such persons were on leave of absence due to illness; providing for the cost of such credited service; and providing for the expiration of such option.

Committee on Finance and Taxation.

By Senator Figures:

S. 426. To define the crime of juror harassment; to prescribe for criminal felony punishment.

Committee on Judiciary.

By Senators Figures and deGraffenried:

S. 427. To create a Black Heritage Museum of West Alabama at Stillman College; to create a repository of source materials on Black history and culture; and to provide for the authority to receive certain available funds.

Committee on State Development and Tourism.

By Senators Barron, Mitchem, Parsons, Bennett, Bedford, Rice, Dial, deGraffenried, Foshee, Ellis, Bedsole, Menton, Smith (J), Denton, Campbell, Preuit, Goodwin, Horn, Amari, Manley, and Hand:

S. 428. To create and provide for the incorporation, organization and operation of the Alabama water system assistance authority; to prescribe the powers and functions of the said authority as a public corporation; to authorize the authority to make loans or grants to public water systems and to issue bonds; to establish a special "water supply assistance fund"; to provide for a legislative oversight committee to monitor such authority; to provide that the revenues accruing to the Alabama water system assistance authority from bonds issued by such authority shall be deposited in a certain fund to be operated by the Alabama department of economic and community affairs; and to provide for state assistance to and cooperation with community water systems in financing projects that would focus on locating, developing and sustaining adequate potable water supplies for the citizens of this state.

Committee on Governmental Affairs.

By Senators Barron, Preuit, Dial, Rice, Mitchem, Holmes, Bedsole, Smith (J), Manley, Denton, Campbell, Hand, Covington, Bailey, Foshee, Goodwin, Dixon, Amari, Figures, Menton, Ellis, Hale, Bishop, and Bedford:

S. 429. To appropriate from the General Fund the sum of \$700,000 during the fiscal year 1987-1988, to the Department of Agriculture and Industries Agricultural Development Services program which sum shall be

spouses of probate judges retired under the Judicial Retirement Fund of Alabama.

Committee on Finance and Taxation.

By Senator Covington:

S. 436. To amend §12-18-87, Code of Alabama 1975, to provide for an increase in service retirement and survivor benefits under the judicial retirement fund as it relates to probate judges.

Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hall, Butler, Haynes, Flowers, Turner, and Freeman:

H. 481. To amend Section 17-22-5 of the Code of Alabama 1975, relating to filing certain statements under the state corrupt practices statutes, so as to provide further for the candidates required to file such statements.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 481—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Parker (With Notice and Proof):

H. 128. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication.

Committee on Agriculture,
Conservation, and Forestry.

By Senators Mitchem and Bedsole:

S. 430. Notwithstanding any other penalty, to allow the Commissioner of Agriculture and Industries to impose civil penalties or fines after a hearing thereon for violations of Chapters 27 and 28 of Title 2, Code of Alabama (1975), and any regulations promulgated thereunder; to restrict the penalty to an amount not to exceed \$10,000 to any one person, firm, association or corporation, for an incident, or incidents arising out of the same transaction with maximum guidelines for said fines and penalties to be adopted by the State Board of Agriculture and Industries; to provide for appeals or review of the Commissioner's action to be heard by the State Board of Agriculture and Industries and that judicial review of the action of the State Board of Agriculture and Industries shall be as provided by the Alabama Administrative Procedures Act.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Holmes:

S. 431. To amend Section 35-12-6 of the Code of Alabama 1975, which relates to the disposition of articles left for service so as to shorten the period unclaimed articles must be held.

Committee on Small Business.

By Senator Goodwin:

S. 432. To further provide for the Senate confirmation process for certain statutory gubernatorial appointments; to repeal conflicting laws; and to provide retroactive effect.

Committee on Economic Affairs.

By Senator Manley:

S. 433. To allow the Alabama state oil and gas board to authorize and regulate the storage of gas in underground reservoirs, strata or formations, in conjunction with the condemnation rights conferred by chapter 5, Title 10, Code of Alabama 1975, and the eminent domain procedure established by chapter 1A, Title 18, Code of Alabama 1975.

Committee on Natural Resources.

By Senator Goodwin:

S. 434. To provide for a minimum salary for certain probate judges.

Committee on Finance and Taxation.

By Senator Covington:

S. 435. To amend Section 12-18-87, Code of Alabama 1975, which provides for the benefits for probate judges so as to provide, in addition to benefits now received, a graduated percentage cost-of-living increase to all

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 128, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 128—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Walker:

H. 33. To amend Section 15-18-8 of the Code of Alabama 1975, so as to allow the judge presiding over the case with the advice and consent of the commissioner of the Alabama department of corrections, to sentence convicted defendants to certain disciplinary and rehabilitation programs of the department; to provide for the administration of such programs; to provide that benefits of the Alabama correctional incentive time act or any similar program shall not apply to any minimum period of confinement ordered pursuant to this section and to allow the court to retain jurisdiction to suspend sentence and place a defendant on probation after such defendant begins serving a minimum term of confinement under the provision of subsection (a).

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 33—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Higginbotham, Walker, Hammett, McMillan, Butler, Headley, Carothers, Freeman, Campbell, Laird, Parker, Grouby, Carter, White (F), Flowers, Hogan, Logan, Johnson (RW), Box, Harper, Cosby, Richardson, Harvey, Mikell, Blakeney, Breedlove, Thomas, Penry, Haynes, Beasley,

Adams, Venable, Crow, Fuller, Ford, Junkins, Williams, Hettinger, Zoghby, White (L), Seibels, McKee, Hooper, Rains, Spratt, Gray, Marks, Britnell, Payne, Wright, Goodwin, Holley, Lindsey, Dillard, Hill, Starkey, Curry, Knight, Moon, Layson, Kvalheim, Mathis, Marietta, Biddle, Clark (J), Blake, Faulk, Warren, Willis, Frazier, Bryant, Black, Petelos, Perdue, Turner, Kennedy, Escott, Turnham, Bugg, Bowling, White (G), Rogers, Newton, Buskey (JE), Reed, Buskey (JL), Poole, Johnson (RG), and Gaston:

H. 417. Relating to state deposits, to create the 1988 George Wallace, Jr., Plan of Linked Deposits; to provide for legislative intent and purpose; to provide for definitions; to authorize the state treasurer to use a certain percentage of state funds for the Plan; to authorize the treasurer to enter into agreements with participating lending institutions of this state whereby the state makes deposits with participating lending institutions at rates of interest lower than the prevailing market rates of interest in return for the commitment of the lending institution to lend equal amounts of funds to eligible agricultural and business borrowers at similarly reduced rates of interest with the objective of stimulating agriculture and business and preserving or creating jobs for Alabama citizens; to establish criteria for qualifying for such low interest loans; to provide for amounts and terms of such loans; to provide for the pricing of such linked deposits and the loans upon which they are based; to provide for application forms and procedures for such loans; to require annual reporting by the treasurer to the legislature regarding the Plan; and to specifically terminate the Plan September 30, 1991, unless the legislature extends it.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 417—to the Committee on Banking and Insurance

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holmes:

H. J. R. 100. URGING THE UNITED STATES SENATE TO WITHHOLD APPROVAL OF THE INTERMEDIATE NUCLEAR FORCES TREATY BETWEEN THE UNITED STATES AND THE SOVIET UNION PENDING VERIFICATION OF THE ABSENCE OF SOVIET MISSILES IN CUBA.

WHEREAS, the Intermediate Nuclear Forces Treaty recently signed by President Reagan and General Secretary Mikhail Gorbachev of the Soviet Union awaits approval by the United States Senate in accordance with Article II, Section 2, of the United States Constitution relating to powers of the president; and

WHEREAS, in view of the historical disregard by previous leaders of the Soviet Union of the terms of treaties heretofore signed between these two nations, it is imperative that irrefutable verification be made that there are no Soviet missiles based in Cuba, just 90 miles from our shores; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby call upon the United States Senate to withhold its approval and concurrence, as empowered by the Constitution, of the Intermediate Nuclear Forces Treaty until such time and if it can be verified, beyond the shadow of a doubt, that there are no Soviet or Soviet supplied missiles based in Cuba, and thereby within striking force and of dire threat to these United States.

BE IT FURTHER RESOLVED, That copies of this resolution be dispatched immediately to President Reagan, United States Secretary of State George Schultz, to the presiding officer of the U. S. Senate and to Senators Howell Heflin and Richard Shelby of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 100, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Blake:

H. J. R. 99. COMMENDING THE ST. CLAIR COUNTY HOSPITAL AUXILIARY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, H. J. R. 99, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Gaston:

H. J. R. 91. COMMENDING JOHN L. STROPE, JR., MOBILE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

By Rep. Gaston:

H. J. R. 92. COMMENDING CHARLES LANG OF MOBILE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolutions, H. J. R.'s 91 and 92, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Holmes:

S. 24. To provide, for an additional fee, to owners of motor vehicles special license tags or plates which represent the various four-year public institutions of higher learning in this state; to provide for the design of said tags or plates; to authorize the revenue department to adopt such rules and regulations as are necessary to implement the provisions hereof and to require the department to furnish lists of said tags to sheriffs of this state; to require the removal of said special school tags upon the sale of a motor vehicle; to prohibit unauthorized use of such tags; and to provide for the distribution of the net proceeds of such fees to the general scholarship funds of the respective four-year public institutions of higher learning.

By Senator Holmes:

S. 108. To amend §16-25A-17, Code of Alabama 1975, so as to provide authority for additional funding of health insurance benefits for retired teachers not eligible to receive benefits under the federal Medicare program.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators deGraffenried and Holmes (With Substitute):

S. 113. To amend §§16-25-14(a), 16-25-15(b), 36-27-16(a), 36-27-16(c) and 36-27B-3, Code of Alabama 1975 as amended, so as to provide service retirement upon completion of twenty-five years of creditable service for members of the Teachers' and Employees' Retirement Systems of Alabama, provided that any employee whose employer participates in the Employees' Retirement System pursuant to §36-27-6, Code of Alabama 1975, shall only be entitled to such benefits if his employer shall elect to come under the provisions of this act and to fund the additional cost of such benefits; to further amend such sections to clarify and conform the preretirement death benefit to the new requirements for service retirement and to provide an

election to receive the preretirement death benefit in lieu of a survivor allowance, at the option of the surviving beneficiary; to provide that the provisions of this act relating to service retirement upon completion of twenty-five years of creditable service shall become effective only upon certification of the Systems' actuary that the provisions can be implemented without increasing the state's employer cost rate; to provide further for the deletion of mandatory retirement provisions in the teachers' and employees' retirement system laws to conform with federal anti-discrimination requirements.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator deGraffenried (With Amendment):

S. 292. To provide for the establishment of a fund from which survivor allowances for spouses of deceased district or supernumerary district attorneys shall be paid; to provide requirements for eligibility for receipt of such benefits; to provide funding for the proper operations and maintenance of such fund; and to provide for the management of such fund.

Senator Rice, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Payne, Campbell, Clark (J), Faulk, and Rains:

H. 130. To amend Section 32-6-150, Code of Alabama 1975, as amended, relating to the issuance and sale of commemorative license tags for Troy State University, so as to provide for such tags to be issued for each public four year college and university located in Alabama to provide for the application, sale, fees and disposition of net revenues generated therefrom; to provide for the design of such tags for such colleges and universities; deletes Section 32-6-152; amends Section 32-6-156; and to provide for an effective date.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Laird and Fuller (With Notice and Proof):

H. 337. Relating to Chambers County; authorizing the county commission to levy and collect an additional one percent sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection of such tax by the state department of revenue; providing for distribution and use of the proceeds; prescribing penalties; fixing punishment for violation of this act providing that this tax shall self-destruct at the end of four years and providing for a referendum.

By Rep. Hogan (With Notice and Proof):

H. 174. Relating to Walker County; amending section 1 of Act No. 80-289, H. 655, 1980 Regular Session (Acts 1980, p. 404) relating to an additional

allowance for election officials who work at polling places so as to increase the additional allowance.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Denton, Rice, Langford, Mitchem, Covington, Goodwin, Menton, Foshee, Bennett, Dixon, Cabaniss, Drinkard, Campbell, Hale, Horn, Amari, Bailey, Ellis, Hand, and Barron:

S. 204. To exempt the Eye Foundation, Inc., and any of its branches and agencies from all state, county, or municipal sales or use taxes.

Senator Holmes, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hilliard:

S. 252. To amend the Alabama Trademark Act to include the registrability of business tradenames thereby creating an "Alabama Trademark and Tradename Act" by amending sections 8-12-6, 8-12-7, 8-12-8, 8-12-9, 8-12-14, 8-12-16, and 8-12-17 of the Code of Alabama 1975. Further to provide for transition provisions for existing trademarks and an effective date of January 1, 1989.

By Senator Holmes:

S. 363. To amend Section 12-12-31, Code of Alabama 1975, which relates to small claims actions, so as to increase the jurisdictional amount of the claims.

By Senator Holmes:

S. 364. To amend Section 40-10-120, Code of Alabama 1975, as amended, to redefine the date of commencement for the three year redemption period for real estate sold for taxes, as that date the property sells in front of the courthouse door.

By Senator Denton:

S. 393. To amend Sections 34-8-1 and 34-8-7, Code of Alabama 1975, to include a swimming pool contractor in the definition of "general contractor" found within Title 34, Chapter 8, Code of Alabama 1975, and to exclude a swimming pool contractor from the exemptions found within Section 34-8-7, Code of Alabama 1975.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Dixon, Langford, and Hand:

S. 155. Relating to the establishment of the Alabama Impaired Physicians Committee, to provide that the State Board of Medical Examiners shall have the duty and obligation to promote early identification, intervention, treatment and rehabilitation of physicians and osteopaths impaired by

reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals or other substances or as a result of any physical or mental condition; to define the term impaired; to authorize the State Board of Medical Examiners to contract with any non-profit corporation or medical professional association for the creation of the Alabama Impaired Physicians Committee; to provide for the functions and responsibilities of the committee under a contract between the State Board of Medical Examiners and a non-profit corporation or medical professional association; to prescribe procedures for the reporting of information from the Alabama Impaired Physicians Committee to the State Board of Medical Examiners; to prescribe that a physician or osteopath serving as a member of the Alabama Impaired Physicians Committee shall not be liable to any person for any claim for damages as a result of any decision, opinion, investigation or action taken as a member of the Alabama Impaired Physicians Committee; to provide that a non-profit corporation or medical professional association shall not be liable to any person for damages for any action taken by the Alabama Impaired Physicians Committee or any member thereof; to provide that all information, interviews, reports, statements, memorandum or other documents furnished to or produced by the Alabama Impaired Physicians Committee and any findings, conclusions, recommendations or reports of such committee shall be privileged and confidential and shall not be considered public records nor available for court subpoena or for discovery proceedings; to provide that the Alabama Impaired Physicians Committee shall render annual reports to the State Board of Medical Examiners and shall report any physician or osteopath currently in the need of intervention, treatment, or rehabilitation who has failed or refused participation in programs of treatment or rehabilitation recommended by the Committee; to provide that a report to the Alabama Impaired Physicians Committee shall deem to be a report to the Board of Medical Examiners for the purpose of any mandated reporting of physician impairment otherwise provided for by law; to provide that where the Board of Medical Examiners has cause to believe a physician or osteopath is impaired, the Board may cause an evaluation of such physician or osteopath to be conducted by the Alabama Impaired Physicians Committee; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senators Bennett and Bedford (With Amendments):

S. 106. To amend Section 22-30-5.1, Code of Alabama 1975, as amended, to prohibit the siting or construction of any commercial hazardous waste treatment facility or disposal site in this state after December 31, 1988, until the select joint nuclear energy activities and hazardous chemical toxic waste oversight committee submits its written findings and recommendations regarding said proposed siting or construction and the legislature thereafter gives approval therefor by joint resolution; to require the hazardous waste committee to consider and include in said written report an evaluation of various criteria set forth herein; and it names the bill "The Hazardous Waste Control Amendment of 1988."

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bills

and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Bedford, Corbett, Bennett, Parsons, Campbell, and Amari:

S. 203. To require elected public officials and their employees and certain other persons who have any financial interest in any commercial hazardous waste disposal site in the state of Alabama to file an annual statement of such financial interest with the Secretary of State and to provide penalties for the noncompliance with this act.

By Senators Preuitt, Smith (J), Dial, Mitchem, Bailey, Dixon, Campbell, and Drinkard:

S. 289. To amend §34-24-74, Code of Alabama 1975, to provide that a physician licensed to practice medicine in any state or the District of Columbia who may be called into this state to treat a patient in consultation with a physician licensed in this state shall be allowed the temporary privilege of practicing in this state and that such privilege shall be limited to ten (10) calendar days in a calendar year; and to provide that a physician licensed to practice in any state who accompanies a patient being transported to this state for treatment shall be permitted to render medical care to the patient being transported and on arrival shall immediately refer the care of the patient to a physician licensed in this state.

By Reps. Johnson (RG), Carothers, and Haynes:

H. 193. A bill to amend §34-24-74 to provide that a physician licensed to practice medicine in any state or the District of Columbia who may be called into this state to treat a patient in consultation with a physician licensed in this state shall be allowed the temporary privilege of practicing in this state and that such privilege shall be limited to ten (10) calendar days in a calendar year; and to provide that a physician licensed to practice in any state who accompanies a patient being transported to this state for treatment shall be permitted to render medical care to the patient being transported and on arrival shall immediately refer the care of the patient to a physician licensed in this state.

By Reps. Kvalheim, McMillan, Hooper, Mikell, Box, Breedlove, White (L), Adams, Flowers, Carter, Harper, Junkins, Higginbotham, Layson, Cosby, Curry, and Zoghby:

H. 283. Relating to the establishment of the Alabama Impaired Physicians Committee, to provide that the State Board of Medical Examiners shall have the duty and obligation to promote early identification, intervention, treatment and rehabilitation of physicians and osteopaths impaired by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals or other substances or as a result of any physical or mental condition; to define the term impaired; to authorize the State Board of Medical Examiners to contract with any non-profit corporation or medical professional association for the creation of the Alabama Impaired Physicians Committee; to provide for the functions and responsibilities of the committee under a contract between the State Board of Medical Examiners and a non-profit corporation or medical professional association; to prescribe procedures for the reporting of information from the Alabama Impaired Physicians Committee to the State Board of Medical Examiners; to prescribe that a physician or osteopath serving as a member of the Alabama Impaired Physicians Committee shall not be liable to any person for any claim for damages as a result of any decision, opinion, investigation or action taken as a member

of the Alabama Impaired Physicians Committee; to provide that a non-profit corporation or medical professional association shall not be liable to any person for damages for any action taken by the Alabama Impaired Physicians Committee or any member thereof; to provide that all information, interviews, reports, statements, memorandum or other documents furnished to or produced by the Alabama Impaired Physicians Committee and any findings, conclusions, recommendations or reports of such committee shall be privileged and confidential and shall not be considered public records nor available for court subpoena or for discovery proceedings; to provide that the Alabama Impaired Physicians Committee shall render annual reports to the State Board of Medical Examiners and shall report any physician or osteopath currently in the need of intervention, treatment, or rehabilitation who has failed or refused participation in programs of treatment or rehabilitation recommended by the Committee; to provide that a report to the Alabama Impaired Physicians Committee shall deem to be a report to the Board of Medical Examiners for the purpose of any mandated reporting of physician impairment otherwise provided for by law; to provide that where the Board of Medical Examiners has cause to believe a physician or osteopath is impaired, the Board may cause an evaluation of such physician or osteopath to be conducted by the Alabama Impaired Physicians Committee; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (B) (With Notice and Proof):

S. 246. To amend Act No. 464, H. 1033, approved November 13, 1959, relating to the management of the public records of Madison County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Madison County, and for payment of the costs incurred in the purchase of photographic or microphotographic equipment; creating a county records commission to regulate the destruction or disposal of such public records; and providing for establishment of a county records custodian and reproduction department.

Senator Smith (J), Vice Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Senator Denton:

S. 64. Providing for the licensing and regulation of persons, firms, associations and corporations engaged in the alarm systems business in this state under the regulatory authority of a board created and established by this act; authorizing the board to prescribe fees for certain licenses related to such business; prescribing penalties for enforcement and providing procedures for the administration of this act and providing initial funding from the state general fund for this act.

By Senator Holmes:

S. 107. To amend Sections 34-36-3, 34-36-4, 34-36-6 and 34-36-13 relating to electrical contractors, so as to authorize the board of electrical

contractors to regulate and license certain master and journeyman electricians and to contract for an executive secretary.

RESOLUTION

Senator Dial offered the following Senate Joint Resolution, to-wit:

S. J. R. 52. COMMENDING CHEROKEE COUNTY AREA VOCATIONAL SCHOOL.

WHEREAS, the Legislature of Alabama expresses great personal pride in the accomplishments of Cherokee County Area Vocational School, and extends heartiest congratulations to the administration, faculty and staff of same on the school's selection as one of the seven exemplary and outstanding vocational programs in the nation; and

WHEREAS, Cherokee County Area Vocational School (CCAVS), which is located in Centre, Alabama, serves the entire county and has an enrollment of some 600 students in high school and adult education programs, as well as a number of Centre Middle School students attending CCAVS for pre-vocational classes; all high school students in the program are also enrolled at one of five feeder schools within the county; and

WHEREAS, a site team review report of the school, serving as a basis for this high national ranking, reveals that CCAVS has an exceptionally high placement rate, exceeding both the Alabama average and the minimum State Department of Education required placement percentage; and

WHEREAS, CCAVS is indeed a model of purpose and achievement in the area of vocational education and the entire State of Alabama shares the honor of the school's inclusion among the "elite seven," nationwide; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we join with the U. S. Office of Vocational and Adult Education in commending Cherokee County Area Vocational School.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to CCAVS Director Ronald Rains, on behalf of faculty, staff and students, and that a copy also be provided for appropriate school display.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION IN WRITING

Senator Dial offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 250, on page 44 of the 6th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 250, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 53. COMMENDING MS. AUTICE CULBREATH, OF HUNTSVILLE, ALABAMA, ON HER DISTINGUISHED TEACHING CAREER.

Also:

S. R. 54. COMMENDING SANDRA K. MARTIN OF JOHN C. CALHOUN STATE COMMUNITY COLLEGE.

Which were filed.

Senators Smith (J) and Smith (B) offered the following Senate Resolution, to-wit:

S. R. 55. MOURNING THE DEATH OF JOHN G. BUTLER OF NEW HOPE, ALABAMA.

Which was filed.

MOTIONS IN WRITING

Senator Manley offered the following Motions in Writing, to-wit:

I move that the Bill, S. B. 135, on page 35 of the 6th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, S. B. 136, on page 42 of the 6th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, S. B. 139, on page 34 of the 6th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which were adopted, and the President and Presiding Officer of the Senate ordered said Bills, S. B.'s 135, 136, and 139, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BUDGET ISOLATION RESOLUTION

Senator Bishop, B. I. R., S. B. 202, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Hand	Mitchem
Amari	Denton	Holmes	Parsons
Bailey	Dial	Horn	Preuitt
Barron	Dixon	Langford	Rice
Bedford	Foshee	Manley	Smith (B)
Bedsole	Goodwin	Menton	Smith (J)
Bishop	Hale		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 202. Relating to Walker County; approving an increase of the three mill district ad valorem school tax levied pursuant to Amendment No. 3 to

the Constitution of Alabama of 1901 by eight mills to eleven mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such additional eight mill tax to be levied and collected by the governing body of Walker County for each year beginning with the levy for the tax year ending September 30, 1989 (the tax for which year will be due and payable October 1, 1989) and ending with the levy for the tax year ending September 30, 1997 (the tax for which year will be due and payable October 1, 1997) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the Walker County School District (consisting of all of Walker County except the City of Carbon Hill and the City of Jasper school districts) in said County at a special election called and held in accordance with the laws governing special elections.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Hand	Mitchem	
Amari	Denton	Holmes	Parsons	
Bailey	Dial	Horn	Preuitt	
Barron	Dixon	Langford	Rice	
Bedford	Foshee	Manley	Smith (B)	
Bedsole	Goodwin	Menton	Smith (J)	
Bishop	Hale			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Denton, B. I. R., S. B. 293, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard	
Amari	Cabaniss	Figures	Holmes	
Bailey	Campbell	Foshee	Horn	
Barron	Corbett	Goodwin	Langford	
Bedford	Covington	Hale	Manley	
Bedsole	Denton	Hand	Smith (J)	
Bennett	Dixon			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 293. Relating to the practice of barbering in Lauderdale County; requiring the county wide administrative control, supervision and regulation including certain registration and licensing of the practice of barbering, teaching of barbering, barbers, barber instructors, barber students, barber apprentices, barbershops, and barber schools; creating a county barber board for such purpose; prescribing the powers and duties of said board; abolishing all current local county barber boards or commissions; repealing or superseding

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all laws, whether general, general of local application, special or local, which conflict with this act; providing for a barbering commission and appointments thereto; providing for duties and powers of the commission; and providing for exceptions.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard	
Amari	Cabaniss	Figures	Holmes	
Bailey	Campbell	Foshee	Horn	
Barron	Corbett	Goodwin	Langford	
Bedford	Covington	Hale	Manley	
Bedsole	Denton	Hand	Smith (J)	
Bennett	Dixon			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Denton, B. I. R., S. B. 64, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Campbell	Hale	Menton	
Bailey	deGraffenried	Hand	Preuitt	
Barron	Denton	Hilliard	Smith (B)	
Bedsole	Dixon	Holmes	Smith (J)	
Bennett	Goodwin	Langford		—18

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 64. Providing for the licensing and regulation of persons, firms, associations and corporations engaged in the alarm systems business in this state under the regulatory authority of a board created and established by this act; authorizing the board to prescribe fees for certain licenses related to such business; prescribing penalties for enforcement and providing procedures for the administration of this act and providing initial funding from the state general fund for this act.

was taken up.

Senator Denton requested and received unanimous consent to suspend the Rules in order to offer the following amendment to the Bill, S. B. 64, to-wit:

AMENDMENT TO S. B. 64

Amend S. B. No. 64 on Page 13, Line 28 as follows:

After the word "The" delete "state auditor" and insert in lieu thereof:
"Examiners of Public Accounts"

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Menton	
Bailey	Dial	Hale	Mitchem	
Barron	Dixon	Hand	Preuitt	
Bennett	Figures	Holmes	Sanders	
Bishop	Foshee	Manley	Smith (J)	
Campbell				—20

Nays: —0

And said Bill, S. B. 64, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18; Nays 2.

Yeas:

Senators:	Denton	Hale	Preuitt	
Barron	Dixon	Hand	Sanders	
Bishop	Figures	Holmes	Smith (B)	
Campbell	Foshee	Menton	Smith (J)	
Corbett	Goodwin	Mitchem		—18

Nays:

Senators:	Bennett	Manley	—2
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MOTION IN WRITING

Senator Bailey offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 276, on page 25 of the 6th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 276, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Senator Cabaniss offered the following Senate Joint Resolution, to-wit:

S. J. R. 56. CREATING THE ALABAMA ENVIRONMENTAL INSTITUTE COUNCIL.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that there is hereby created the Alabama Environmental Institute Council to be composed of twelve members to be appointed as follows: the Governor shall appoint one member from the Alabama Development Office, who shall chair the council, three members from the Business Council of Alabama, one member of the EPSCoR Universities, a representative of the Alabama University Presidents' Council, one member from the Alabama Association of Independent Colleges and Universities, one member from the Alabama Department of Environmental Management, one member from Southern Research Institute and one member from the American Consulting Engineers Council of Alabama; the Speaker shall appoint one member from the House of Representatives; and the

Lieutenant Governor shall appoint one member from the Senate. Members shall serve without compensation. Seven members shall constitute a quorum for council meetings. The Council is charged with the responsibility to determine the need for an environmental research facility for the State of Alabama which would be capable of pilot plant research and development of product, process technology and equipment to be used in maintaining and improving environmental quality in the state, and for marketing nationally and internationally; to determine the level of environmental research presently being conducted in the state; to determine the amount of funding currently being utilized for this research; to analyze the physical research facilities of the companies and institutions presently involved in this field; to determine the management/organization structure to ensure effective coordination of research and development programs of industry and universities; to determine the type and dollar amount of environmental research being contracted from sources outside the State by Alabama industry, agencies and institutions; and to seek funds and grants with which to accomplish this study. The Council is authorized to employ a consultant.

The Council shall submit its final report and recommendations to the Governor and to the Legislature within 180 days following final enactment of this resolution.

Which was read and referred to the Standing Committee on Rules.

BUDGET ISOLATION RESOLUTION

Senator Holmes, B. I. R., S. B. 107, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Mitchem	
Barron	Dial	Hand	Preuitt	
Bedsole	Dixon	Holmes	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Foshee	Menton		—18

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 107. To amend Sections 34-36-3, 34-36-4, 34-36-6 and 34-36-13 relating to electrical contractors, so as to authorize the board of electrical contractors to regulate and license certain master and journeyman electricians and to contract for an executive secretary.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 1.

Yeas:

Senators:	Campbell	Foshee	Menton	
Amari	deGraffenried	Goodwin	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedsole	Dial	Holmes	Smith (B)	
Bennett	Dixon	Manley	Smith (J)	
Bishop	Ellis			—21

Nay: Senator Corbett —1

MOTION TO ADJOURN

Senator Manley moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, February 23, 1988, at 1 o'clock P.M., which motion was adopted.

RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 57. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the sixth legislative day of the 1988 Regular Session only:

Inst Id	Page
S. 99	5
Sick leave, educational personnel, Secs. 16-1-18, 16-8-25, 16-12-21, 16-22-9, and 21-1-21 am'd.	
S. 95	1
Title passing by mortgage will not divest until all secured obligations are paid, Sec. 35-10-26 am'd.	
S. 274	15
Children's Trust Fund, st. income tax refund designation incr., child abuse and neglect bd. may alter, Sec. 26-16-31 am'd.	
S. 248	22
AIDS, crim. act to have sexual intercourse or deviate sexual relations by a person who knows he has AIDS	
S. 126	8
Absentee election managers, appointment, disqualification, compensation, Secs. 17-10-13 and 17-10-14 am'd.	
S. 160	23
County brds. of ed., meetings further reg., Secs. 16-8-3 and 16-8-4 am'd.	
S. 37	2
Inmate temporary release, notice to be given to dist. atty. and through him to victim, Sec. 15-18-114 repealed.	
S. 112	19
Executors and administrators, final settlements, written evidence of an account may consist of affidavit or others legal evidence, Sec. 43-2-502 am'd.	
S. 192	21
Criminally negligent homicide, class C felony, Sec. 13A-6-4 amd.	

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S. 53	17
Possession of marijuana on school campuses, prohib., Act 87-603, Reg. Sess. 1987 am'd.	
S. 253	10
State policemen, retired through st. retirement system, auth. to be employed in co. or municipal agencies which have retirement systems through st. system	
S. 199	31
Utilities, interference with meters, recovery of damages auth.	
S. 67	18
Assault with intent to prevent peace officer from performing duty, penalties incr., Secs. 13A-6-21, 13A-6-22 am'd.	
S. 12	7
Governor's security guards, exemption from minimum standards removed, Sec. 36-33-2 am'd.	
S. 63	17
Boating, operating under influence of alcoholic beverages prohib., penalties incr., Sec. 33-5-24 am'd.	
S. 137	35
Criminal defendants judged not guilty by reason of insanity, ct. proceeding req. prior to release from facility	
S. 316	27
Livestock theft, confiscation and condemnation of all property used in commission of	
S. 35	3
Municipal courts, bail and appeal procedures altered, Sections 12-14-5 and 12-14-70 amended	
S. 60	30
Environmental Management Dept., auth. to seek fed. approval to estab. underground storage tanks regulatory program and wellhead protection program, Sec. 22-22A-5 am'd.	
S. 148	14
Swine, owners of destroyed, indemnified for loss, conditional approp.	
S. 140	26
Boating licenses, staggered system estab., Sec. 33-5-13 am'd.	
S. 120	19
Prisoners, sentenced to 15 yrs. or less, may receive benefits of correctional incentive time, Sec. 14-9-41 am'd.	

S. 338	40
Code of ethics, exemption for cert. firemen, Sec. 36-25-1 am'd.	
S. 102	13
Ad valorem taxes, investment, distribution of interest	
S. 103	14
Ad valorem taxes, correction of errors in assessment, computation, calculation and collection	
S. 10	23
Oil and Gas Board, duties alt., drilling fees incr., Special Fund created, Secs. 9-17-6, 9-17-24 am'd.	
S. 21	16
Traffic fines incr., proceeds to go to truck driving instruction, traffic safety programs and boating safety programs, Sec. 32-5-313 am'd.	
S. 180	21
Safe Street Act, created, certain criminals ineligible for work release	
On motion of Senator Smith (J), said Resolution was adopted by the Senate.	
Senator Amari offered the following Senate Resolution, to-wit:	
S. R. 58. COMMENDING KENNETH ABBOTT, ALABAMA'S OUTSTANDING SCHOOL ADMINISTRATOR FOR 1987-1988.	
Which was filed.	

BUDGET ISOLATION RESOLUTION

Senator Bishop, B. I. R., S. B. 99, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	deGraffenried	Foshee	Langford	
Bailey	Denton	Hale	Menton	
Bedsole	Dial	Hand	Preuitt	
Bishop	Dixon	Holmes	Smith (J)	
Campbell	Ellis			—17
Nay: Senator Amari				—1

SPECIAL ORDER

BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 99. To amend Sections 16-1-18, 16-8-25, 16-12-21, 16-22-9, and 21-1-21 Code of Alabama, 1975, relating to limits on sick leave so as to increase

the maximum number of possible accumulated sick leave days from 150 to 180 for educational personnel at the Alabama Institute for Deaf and Blind and in all public city and county school systems.

was taken up.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 91. COMMENDING JOHN L. STROPE, JR., MOBILE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

H. J. R. 92. COMMENDING CHARLES LANG OF MOBILE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

H. J. R. 99. COMMENDING THE ST. CLAIR COUNTY HOSPITAL AUXILIARY.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

RECESS

At 11:50 A.M., on motion of Senator Bishop, the Senate took a recess until 1:15 this afternoon.

The recess period having expired, at 1:15 P.M., the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

Senators:	Campbell	Foshee	Parsons
Bailey	deGraffenried	Hale	Preuitt
Bedsole	Dial	Hand	Rice
Bennett	Dixon	Horn	Smith (B)
Bishop	Ellis	Mitchem	Smith (J)

—19

FURTHER CONSIDERATION OF S. B. 99

The Senate proceeded to further consideration of the Bill, S. B. 99.

And said Bill, S. B. 99, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 2.

Abstaining 1.

Yeas:

Senators:	Bishop	Figures	Mitchem	
Amari	Campbell	Foshee	Parsons	
Bailey	deGraffenried	Goodwin	Preuitt	
Barron	Dial	Hale	Rice	
Bedsole	Dixon	Hand	Smith (B)	
Bennett	Ellis	Horn	Smith (J)	—23

Nays:

Senators:	Cabaniss	Manley		—2
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<i>Abstaining:</i>	Senator Denton			—1
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BUDGET ISOLATION RESOLUTION

Senator Foshee, B. I. R., S. B. 95, adopted.

Yeas 24; Nays 2.

Yeas:

Senators:	Campbell	Figures	Manley	
Bailey	deGraffenried	Foshee	Menton	
Barron	Denton	Goodwin	Mitchem	
Bedsole	Dial	Hale	Preuitt	
Bennett	Dixon	Horn	Rice	
Bishop	Ellis	Langford	Smith (J)	
Cabaniss				—24

Nays:

Senators:	Amari	Corbett		—2
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BILLS ON THIRD READING RESUMED**THE BILL:**

S. 95. To amend Section 35-10-26, Code of Alabama 1975, so as to provide that title passing by a mortgage will not divest until all secured obligations are paid and there is no commitment or agreement by the mortgagee to make advances, incur obligations or otherwise give value under any agreement; to provide for the satisfaction of mortgages; to provide for severability of the provisions of this Act; to provide for repeal of conflicting laws; and to provide an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Senators:	Cabaniss	Figures	Manley	
Amari	Campbell	Foshee	Menton	
Bailey	deGraffenried	Goodwin	Mitchem	
Barron	Denton	Hale	Preuitt	
Bedsole	Dial	Hand	Rice	
Bennett	Dixon	Horn	Smith (J)	
Bishop	Ellis	Langford		—26

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bailey, B. I. R., S. B. 274, adopted.

Yeas 21; Nays 2.

Yeas:

Senators:	Campbell	Foshee	Manley
Bailey	deGraffenried	Goodwin	Menton
Barron	Denton	Holmes	Preuitt
Bennett	Dial	Horn	Rice
Bishop	Ellis	Langford	Smith (J)
Cabaniss	Figures		

—21

Nays:

Senators:	Amari	Corbett	—2
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BILLS ON THIRD READING RESUMED

THE BILL:

S. 274. To further amend Section 26-16-31, Code of Alabama 1975, as amended, relating to state income tax refund designation for the children's trust fund, so as to increase the allowable contribution, and to allow the state child abuse and neglect prevention board to make adjustments thereto from time to time.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 274, to-wit:

SUBSTITUTE FOR S. B. 274

**A BILL
TO BE ENTITLED
AN ACT**

To further amend Section 26-16-31, Code of Alabama 1975, as amended, relating to state income tax refund designation for the children's trust fund, so as to increase the allowable contribution, and to allow the state child abuse and neglect prevention board to make adjustments thereto from time to time.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 26-16-31, Code of Alabama 1975, as amended, is hereby amended to read as follows:

"§26-16-31

"(a) For the tax year beginning October 1, 1983, and until the state treasurer certifies that the assets in the children's trust fund exceed \$10,000,000.00, a resident individual taxpayer who files an Alabama income tax return and who is entitled to an income tax refund from the state department of revenue sufficient to make a designation under this section may designate that ~~\$2.00~~ \$5.00, \$10.00, \$25.00 or other sum of his or her refund be credited to the children's trust fund. In the case of a joint return of husband and wife who are entitled to a tax refund sufficient to make a

designation under this section, a designation may be made ~~that \$4.00 in the same denominations or sums of their refund be credited to the children's trust fund.~~ Such designation shall be made by marking the appropriate box, printed on the return pursuant to subsection (b) of this section.

“(b) The state department of revenue shall print on the face of the state income tax form for residents a space for taxpayers to designate that a contribution be made to the children's trust fund from their income tax refund due. The space for designating the contribution shall provide for checkoff boxes in the stated amounts of ~~\$2.00 and \$4.00~~ or other dollar amount, commencing for the tax year ~~1983~~ 1989 and thereafter.

“(c) The state child abuse and neglect prevention board, created pursuant to Section 26-16-31, Code of Alabama 1975, as amended, may, from time to time, change the designated check-off sums upon resolution passed, in accordance with the provisions of the administrative procedure laws, and upon proper notification to the department of revenue.”

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. The provisions of this act shall become effective January 1, 1989.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute for the Bill, S. B. 274, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 274

Amend S. B. 274 as substituted on Page 2, Lines 21 through 27, by striking out each line, thereby deleting Section 1(c) in its entirety.

On motion of Senator Bailey, said amendment was laid on the table.

The question was then on the Committee substitute, which was adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Langford
Bailey	Denton	Hand	Menton
Barron	Dial	Hilliard	Mitchem
Bennett	Dixon	Holmes	Preuitt
Bishop	Ellis	Horn	Rice
Cabaniss	Figures		

—21

Nays:

—0

And said Bill, S. B. 274, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

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Yeas 22; Nays 1.

Yeas:

Senators:	Bishop	Ellis	Horn
Amari	Cabaniss	Figures	Langford
Bailey	Campbell	Goodwin	Manley
Barron	deGraffenried	Hand	Menton
Bedsole	Denton	Hilliard	Rice
Bennett	Dial	Holmes	

—22

Nay: Senator Corbett —1

BUDGET ISOLATION RESOLUTION

Senator Barron, B. I. R., S. B. 248, adopted.

Yeas 21; Nays 1.

Yeas:

Senators:	Campbell	Figures	Langford
Bailey	deGraffenried	Goodwin	Manley
Barron	Denton	Hand	Menton
Bedsole	Dial	Hilliard	Mitchem
Bishop	Dixon	Horn	Rice
Cabaniss	Ellis		

—21

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 248. To provide for the crime of AIDS assault; to define the crime; and to set the punishment.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Langford
Amari	Campbell	Goodwin	Manley
Bailey	Corbett	Hale	Menton
Barron	deGraffenried	Hand	Mitchem
Bedsole	Denton	Hilliard	Preuitt
Bennett	Dial	Holmes	Rice
Bishop	Dixon	Horn	

—26

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., S. B. 126, adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford	
Bailey	deGraffenried	Goodwin	Manley	
Barron	Denton	Hand	Menton	
Bedsole	Dial	Hilliard	Mitchem	
Bennett	Dixon	Holmes	Preuitt	
Cabaniss	Ellis	Horn		—22

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 126. To amend Section 17-10-13, Code of Alabama 1975, relating to the appointment of absentee election manager so as to provide that only Circuit Clerks or Registers who are candidates with opposition shall be disqualified from serving as absentee election manager; to provide that any Circuit Clerk or Register who is disqualified or unwilling to serve as absentee election manager notify the presiding circuit judge not less than 55 days prior to the election; and to further amend Section 17-10-14, Code of Alabama 1975, to provide for the compensation a person serving as absentee election manager is entitled to receive for such services.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Corbett	Figures	Horn	
Bailey	deGraffenried	Goodwin	Manley	
Bedsole	Denton	Hand	Menton	
Bennett	Dixon	Hilliard	Mitchem	
Cabaniss	Ellis	Holmes	Preuitt	
Campbell				—20

Nays: —0**BUDGET ISOLATION RESOLUTION**

Senator Ellis, B. I. R., S. B. 160, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Manley	
Bailey	Denton	Hand	Menton	
Bedsole	Dial	Holmes	Mitchem	
Bennett	Dixon	Horn	Preuitt	
Cabaniss	Ellis	Langford		—18

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 160. To amend §16-8-3 and §16-8-4, Code of Alabama, 1975, relating to the scheduling of regular meetings and annual public meetings of county boards of education.

was taken up.

The Standing Committee on Education reported the following amendment to the Bill, S. B. 160, to-wit:

AMENDMENT TO S. B. 160

Amend Senate Bill 160 on page 1, Section 2, line 38 by deleting the word "three" and inserting in lieu thereof the word "five".

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Manley
Bailey	deGraffenried	Goodwin	Menton
Bedsole	Denton	Hand	Mitchem
Bennett	Dial	Horn	Preuitt
Cabaniss	Dixon	Langford	Rice
Campbell			

—20

Nays: —0

Senator Corbett offered the following amendment to the Bill, S. B. 160, as amended, to-wit:

AMENDMENT TO S. B. 160, AS AMENDED

Amend S. 160 as follows:

On page 2, line 4, after the period insert the following language:

Provided, however, at least one-half of all regularly scheduled school board meetings shall begin and be held in the evening hours, 6:00 p.m. or after, so as to make board meetings more accessible to the public.

Which was lost.

Yeas 5; Nays 16.

Yeas:

Senators:	Campbell	Horn	Mitchem
Bailey	Corbett		

—5

Nays:

Senators:	Cabaniss	Dixon	Holmes
Barron	Covington	Ellis	Manley
Bedsole	deGraffenried	Goodwin	Preuitt
Bennett	Denton	Hand	Rice
Bishop			

—16

And said Bill, S. B. 160, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Corbett	Dixon	Horn
Bailey	Covington	Ellis	Manley
Barron	deGraffenried	Goodwin	Mitchem
Bennett	Denton	Hand	Preuitt
Bishop	Dial	Holmes	Rice
Campbell			

—20

Nays:

—0

RESOLUTION

Senators Covington, Foshee, Bishop, Denton, Campbell, Goodwin, and Menton offered the following Senate Resolution, to-wit:

S. R. 59. INSTRUCTING THE SECRETARY OF THE SENATE TO EMPLOY SUFFICIENT PERSONNEL TO ADVISE ITS MEMBERS ON COMPLEX FISCAL MATTERS.

WHEREAS, the fiscal affairs of state government are increasingly complex and demanding; and

WHEREAS, the need for information and advice on such fiscal matters is essential to the members of the Senate in order to make informed fiscal decisions; now therefore,

BE IT RESOLVED BY THE SENATE OF THE ALABAMA LEGISLATURE, That we hereby instruct the Secretary of the Senate to provide such additional personnel as is necessary to provide adequate fiscal information and advise to the membership hereof. The compensation for such additional personnel shall be paid from funds appropriated to the legislature for use by the Senate.

Which was read and referred to the Standing Committee on Rules.

BILL RE-REFERRED

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following Bill, S. B. 358, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 358, re-referred to the Standing Committee on Governmental Affairs.

BUDGET ISOLATION RESOLUTION

Senator Preuitt, B. I. R., S. B. 37, adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Menton
Bailey	Campbell	Ellis	Mitchem
Barron	Covington	Goodwin	Preuitt
Bedsale	deGraffenried	Holmes	Rice
Bennett	Denton	Horn	Smith (J)
Bishop	Dial	Manley	

—22

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 37. To require written notice to the district attorney and through him to the victim before temporary or conditional release of certain inmates; to define temporary or conditional release; to specify the inmates covered by the crime committed; to specify the notice required and its timing; to define victim; to define notice; and to provide that the district attorney or his assistant may represent the victim in communicating any objections to the Commissioner of the Department of Corrections; and to specifically repeal Section 15-18-114, Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Cabaniss	Dial	Manley	
Bailey	Campbell	Dixon	Menton	
Barron	Corbett	Ellis	Mitchem	
Bedsole	Covington	Goodwin	Preuitt	
Bennett	deGraffenried	Holmes	Rice	
Bishop	Denton	Horn	Smith (J)	—23

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Cabaniss, B. I. R., S. B. 112, adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Bailey	Campbell	Foshee	Menton	
Barron	Covington	Goodwin	Preuitt	
Bedsole	deGraffenried	Hand	Rice	
Bennett	Denton	Holmes	Smith (J)	
Bishop	Dial			—21

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 112. To amend Section 43-2-502 of the Code of Alabama 1975, relating to the filing of accounts by executors or administrators, so as to provide that the written evidence in the possession of an executor or administrator on which the executor or administrator relies to sustain the credit side of the account may consist of an affidavit or any other legal evidence, in the discretion of the executor or administrator.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 112, to-wit:

SUBSTITUTE FOR S. B. 112

A BILL TO BE ENTITLED AN ACT

To amend Section 43-2-502 of the Code of Alabama 1975, relating to the filing of accounts by executors or administrators, so as to provide that the written evidence in the possession of an executor or administrator on which the executor or administrator relies to sustain the credit side of the account may consist of an affidavit or any other legal evidence, in the discretion of the executor or administrator.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 43-2-502 of the Code of Alabama 1975 is hereby amended to read as follows:

“§43-2-502

“In making settlements of an administration, the executor or administrator must proceed as follows:

“He must make out an account between himself and the estate he represents, charging himself with all the assets of the deceased which have come into his possession, except the lands, and crediting himself with all the credits he is by law entitled to; which account, verified by his oath, must be filed with the judge of probate of the court having jurisdiction.

“With such account he must also file the vouchers and written evidence in his possession, on which he relies to sustain the credit side of such account, which may consist of an affidavit or any other legal evidence, in the discretion of the executor or administrator.

“He must, at the same time, file a statement, on oath, of the names of the heirs and legatees of such estate, specifying particularly which are under the age of 19 years; and, if any of them are persons of unsound mind, it must be stated; but if the names, ages or condition of such heirs or legatees are unknown and they reside out of the state, they may be made parties as unknown heirs and legatees.

“He must state the sum of funds of the estate which he has used for his own benefit, the time and the profit resulting from such use, if over legal interest, or, if he has not so used any of the funds of the estate for his own benefit, he must expressly deny on oath that he has so used such funds, and any party interested in the estate may contest the same.

“He shall be allowed all reasonable premiums paid on his bond as administrator or executor.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Covington	Ellis	Menton	
Bailey	deGraffenried	Foshee	Mitchem	
Barron	Denton	Goodwin	Preuitt	
Bennett	Dial	Holmes	Rice	
Bishop	Dixon	Manley	Smith (J)	
Cabaniss				—20

Nays: —0

And said Bill, S. B. 112, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Covington	Ellis	Menton	
Bailey	deGraffenried	Goodwin	Mitchem	
Bedsole	Denton	Hand	Preuitt	
Bennett	Dial	Holmes	Rice	
Bishop	Dixon	Manley	Smith (J)	
Cabaniss				—20

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B. I. R., S. B. 192, adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Bailey	deGraffenried	Foshee	Menton	
Bedsole	Denton	Goodwin	Preuitt	
Bennett	Dial	Hand	Rice	
Bishop	Dixon	Holmes	Smith (J)	—19

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 192. To amend Code of Alabama 1975, §13A-6-4, to provide that criminally negligent homicide is a Class C felony instead of a Class A misdemeanor.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Manley	
Bailey	Denton	Goodwin	Menton	
Bedsole	Dial	Hand	Mitchem	
Bennett	Dixon	Holmes	Rice	
Bishop	Ellis	Horn	Smith (J)	
Cabaniss				—20

<i>Nays:</i>				—0
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REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 64. Providing for the licensing and regulation of persons, firms, associations and corporations engaged in the alarm systems business in this state under the regulatory authority of a board created and established by this act; authorizing the board to prescribe fees for certain licenses related to such business; prescribing penalties for enforcement and providing procedures for the administration of this act and providing initial funding from the state general fund for this act.

JIM SMITH,
Vice Chairperson.

BUDGET ISOLATION RESOLUTION

Senator Denton, B. I. R., S. B. 53, adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Campbell	Dixon	Manley	
Bailey	Covington	Ellis	Menton	
Bennett	deGraffenried	Hand	Mitchem	
Bishop	Denton	Holmes	Rice	
Cabaniss	Dial	Horn	Smith (J)	—19

<i>Nays:</i>				—0
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BILLS ON THIRD READING RESUMED

THE BILL:

S. 53. To amend Section 4 of Act No. 87-603, H. 251, 1987 Regular Session [(Acts 1987, p. 1047), now appearing as section 13A-12-213, Code of Alabama 1975], relating to the unlawful possession of marihuana in the first degree, so as to include possession of marihuana on school premises within the offense.

was taken up.

REGULAR SESSION
6th Day

329

Senator Denton offered the following amendment to the Bill, S. B. 53, to-wit:

AMENDMENT TO S. B. 53

Amend Senate Bill No. 53 Page 2 Line 4, by inserting after the word public—

the words “private or parochial”

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Manley	
Bailey	Campbell	Ellis	Menton	
Barron	Covington	Foshee	Mitchem	
Bedsole	deGraffenried	Hand	Rice	
Bennett	Denton	Holmes	Smith (B)	
Bishop	Dial			—21

Nays: —0

And said Bill, S. B. 53, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Bishop	Dial	Horn	
Bailey	Cabaniss	Dixon	Langford	
Barron	Campbell	Ellis	Manley	
Bedford	Covington	Goodwin	Menton	
Bedsole	deGraffenried	Hand	Mitchem	
Bennett	Denton	Holmes	Rice	—23

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Butler, Hooper, and Slaughter:

H. 2. To amend Section 29-2-41, Code of Alabama 1975, which relates to the Contract Review Permanent Legislative Oversight Committee, so as to provide further for the committee's authority to review state contracts; to obtain assistance from the department of examiners of public accounts and the Legislative Fiscal Office; and to authorize the Legislative Fiscal Office to conduct program evaluations in its assistance to the committee.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 2—to the Committee on Finance and Taxation

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B. I. R., S. B. 253, adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	Bishop	Dial	Holmes	
Bailey	Cabaniss	Dixon	Horn	
Barron	Campbell	Ellis	Langford	
Bedford	Covington	Foshee	Manley	
Bedsole	deGraffenried	Goodwin	Menton	
Bennett	Denton	Hand	Rice	—23

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 253. To provide that a retired state policeman may accept employment with a city or county agency and continue to receive his retirement benefits but shall not receive additional retirement benefits for his new employment even though he contributes to the retirement systems; provided further, however, that upon termination of employment with the county or city agency, the employee shall receive the principal amount paid by him into the retirement system less any interest earned on the principal amount.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Denton	Hand	Menton	
Bailey	Dial	Holmes	Mitchem	
Bedsole	Dixon	Horn	Rice	
Bishop	Ellis	Langford	Smith (J)	
deGraffenried	Goodwin	Manley		—18

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Rice, B. I. R., S. B. 199, adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Covington	Ellis	Horn	
Bailey	deGraffenried	Foshee	Langford	
Bedsole	Denton	Goodwin	Menton	
Bishop	Dial	Hand	Rice	
Cabaniss	Dixon	Holmes	Smith (J)	—19

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 199. To provide that a utility may recover damages from any person who knowingly interferes with any meter or other recording device belonging to a utility, who knowingly diverts utility services or who intentionally and without authority uses utility services; to provide for the measure of damages which may be recovered by the utility in any such civil action.

was taken up.

Senator Rice offered the following amendment to the Bill, S. B. 199, to-wit:

AMENDMENT TO S. B. 199

I move to amend Senate Bill No. 199, Page 1, Lines 27 to 30, inclusive, by striking out the definition of "Utility" in its entirety and substituting in lieu thereof the following:

" 'Utility' means any public or private utility and any utility or other entity which is owned or operated by a municipality, electric power board, gas board, utilities board, county improvement authority, power district or other governmental entity which is engaged in providing electricity, natural gas, water, sewer, garbage, telecommunication, or satellite services, or any combination thereof for sale to consumers."

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Covington	Foshee	Horn
Bailey	deGraffenried	Goodwin	Langford
Barron	Denton	Hale	Manley
Bishop	Dial	Hand	Menton
Cabaniss	Dixon	Holmes	Rice
Campbell	Ellis		

—21

Nays: —0

And said Bill, S. B. 199, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:	Covington	Foshee	Langford
Bailey	deGraffenried	Goodwin	Manley
Barron	Denton	Hale	Menton
Cabaniss	Dial	Hand	Rice
Campbell	Dixon	Holmes	Smith (J)
Corbett	Ellis	Horn	

—22

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Dixon, B. I. R., S. B. 67, adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Langford	
Bailey	Covington	Hale	Manley	
Barron	Denton	Hand	Menton	
Bishop	Dial	Holmes	Rice	
Cabaniss	Foshee	Horn	Smith (J)	—19

<i>Nays:</i>				—0
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BILLS ON THIRD READING RESUMED**THE BILL:**

S. 67. To amend Sections 13A-6-21 and 13A-6-22, Code of Alabama 1975, which provide for the crime of assault, so as to provide that an assault with intent to prevent peace officers from performing a lawful duty that causes physical injury to any person shall be a Class C felony.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Bailey	Corbett	Goodwin	Menton	
Barron	Covington	Hale	Preuitt	
Bishop	Dial	Hand	Rice	
Cabaniss	Dixon	Holmes	Smith (J)	—19

<i>Nays:</i>				—0
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BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., S. B. 12, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Denton	Hale	Menton	
Bailey	Dial	Hand	Preuitt	
Bishop	Dixon	Holmes	Rice	
Cabaniss	Foshee	Horn	Smith (J)	
deGraffenried	Goodwin	Langford		—18

<i>Nays:</i>				—0
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BILLS ON THIRD READING RESUMED**THE BILL:**

S. 12. To amend section 36-33-2, Code of Alabama 1975, which provides for security officers for certain members of the executive branch, so as to remove executive security officers exemption from minimum standards.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

**REGULAR SESSION
6th Day**

333

Yeas 21; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Langford	
Bailey	Corbett	Hale	Menton	
Barron	deGraffenried	Hand	Preuitt	
Bennett	Denton	Holmes	Rice	
Bishop	Dial	Horn	Smith (J)	
Cabaniss	Foshee			—21

Nays: —0

RESOLUTION

Senator Menton offered the following Senate Resolution, to-wit:

S. R. 60. COMMENDING BOBBY LEROY NELSON OF MOBILE, ALABAMA, ON HIS DISTINGUISHED MILITARY CAREER.

Which was filed.

MOTION IN WRITING

Senator Hand offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 141, on page 43 of the 6th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 141, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BUDGET ISOLATION RESOLUTION

Senator Campbell, B. I. R., S. B. 63, adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Langford	
Bailey	Covington	Goodwin	Manley	
Barron	deGraffenried	Hale	Menton	
Bennett	Denton	Hand	Preuitt	
Bishop	Dial	Holmes	Smith (B)	
Cabaniss	Dixon	Horn		—22

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 63. To amend Section 33-5-24, Code of Alabama 1975, relating to the operation of vessels and certain other devices, so as to provide that no person shall operate any vessel or certain other device on the waters of this state under the influence of any controlled substance or when there is 0.10% or more by weight of alcohol in his blood; to provide for the consent to and the administering of chemical tests; and to further provide for penalties for the violation of this section.

was taken up.

On motion of Senator Campbell, further consideration of the Bill, S. B. 63, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., S. B. 137, adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Langford	
Bailey	deGraffenried	Goodwin	Manley	
Barron	Denton	Hale	Menton	
Bennett	Dial	Hand	Preuitt	
Bishop	Dixon	Holmes	Rice	
Cabaniss	Ellis	Horn		—22

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 137. To provide that a criminal defendant committed to the custody of the Commissioner of the State Department of Mental Health pursuant to Section 15-16-43, Code of Alabama 1975, shall not be released from custody unless such release is authorized by court order, except in certain circumstances; to provide for notice and hearings related to such release; to provide for placement of conditions on the release of such defendants when appropriate; and to provide for recommitment of such persons when appropriate.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 137, to-wit:

SUBSTITUTE FOR S. B. 137

A BILL TO BE ENTITLED AN ACT

To provide that a criminal defendant committed to the custody of the Commissioner of the Alabama State Department of Mental Health and Mental Retardation pursuant to Code of Alabama 1975, §15-16-43, shall not be released from custody unless such release is authorized by court order, except in certain circumstances; to provide for notice and hearings related to such release; to provide for placement and modification of conditions on the release of such defendants where appropriate; and to provide for recommitment or release without conditions of such persons where appropriate.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This Act shall be entitled "The Criminal Psychopath Release Restriction Act."

Section 2. The following definitions shall apply to this Act:

(a) Court—the court which committed the defendant pursuant to Code of Alabama 1975, §15-16-43.

(b) Defendant—a defendant in a criminal case who has been found not guilty by reason of insanity, or not guilty by reason of mental disease or defect, and has been committed to the custody of the Alabama State Department of Mental Health and Mental Retardation or another facility as provided by Code of Alabama 1975, §15-16-43;

(c) Department—the State Department of Mental Health and Mental Retardation;

(d) District attorney—the district attorney for the judicial circuit of the court which committed the defendant pursuant to Code of Alabama 1975, §15-16-43.

(e) Regional or Community Mental Health Facility—any Mental Health facility providing mental health services pursuant to Code of Alabama 1975, §22-51-1 through §22-51-14.

Section 3. When a defendant in a criminal case has been committed to the custody of the Commissioner of the Department or another facility as provided by Code of Alabama 1975, §15-16-43, such Department or facility may not release such defendant from custody unless authorized to do so by court order as provided in this Act.

Section 4. Whenever the Department or other facility with custody of a defendant is of the opinion that the defendant is no longer mentally ill, or that the defendant no longer poses a real and present threat of substantial harm to himself or to others by being at large, or no longer poses a real and present threat of substantial harm to himself or to others by being at large if certain conditions are imposed upon his release, the Department or other facility shall give notice in writing to the court of that opinion. The Department or other facility shall contemporaneously send copies of that notice to: the district attorney; the regional or community mental health facility which is or may be involved if the defendant is released; and the defendant, or his guardian, or his attorney. The Department may include in such notice a conditional release plan if the Department deems such a plan appropriate.

Section 5. The court shall set a hearing to be held within thirty days of its receipt of the notice described in Section 4 above, unless an order of release either with or without conditions is stipulated by the Department and all the parties to whom notice is required in Section 4. The court shall give notice of the date of that hearing to the Department and to all the parties to whom notice is required in Section 4.

Section 6. Where the defendant does not have an attorney, the court shall appoint him one for purposes of the hearing. Payment of appointed counsel for indigent defendants shall be at the same rates and with the same limitations as would apply if the hearing were a criminal prosecution.

Section 7. If a hearing is not held within sixty days of receipt by the court of the notice described in Section 4, above, the defendant shall be released forthwith unless for good cause shown the hearing is continued for a reasonable time.

Section 8. If, after conducting the hearing, the court determines that the defendant is no longer mentally ill or no longer poses a real and present threat of substantial harm to himself or to others by being at large, the court shall order his release. If the court determines that the defendant is still mentally ill but no longer poses a real and present threat of substantial harm to himself or to others by being at large if his release is accompanied by certain conditions, the court shall order his release subject to those conditions necessary to prevent the defendant from posing a real and present threat of substantial harm to himself or to others.

Section 9. The conditions that the court may impose upon release, if necessary and appropriate, include, the following:

- (a) that the defendant take medication as prescribed by doctors in the Department or in a regional or community mental health facility, or by some other doctor whose care the defendant is in;
- (b) that the defendant submit to treatment and accept care from a duly authorized outpatient facility such as a regional or community mental health facility;
- (c) that the defendant submit to mental or medical evaluation or testing as prescribed by the Department, by a regional or community mental health facility, or by other appropriate person or facility;
- (d) that the defendant submit to periodic or random drug testing designed to ensure that he is taking any prescribed drugs and avoiding any proscribed drugs including alcohol;
- (e) that the defendant avoid specified activities, persons, or places that may be detrimental to his condition;
- (f) any other appropriate condition that is necessary to prevent the defendant from posing a real and present threat of substantial harm to himself or to others while he is at large.

Section 10. If conditional release is ordered, the court shall state the specific conditions to be followed by the defendant. The order shall also direct the appropriate agencies or persons to submit periodic reports to the court regarding the defendant's compliance with the conditions of release and progress in treatment, with copies to the district attorney, to the defendant or his guardian or counsel, and to the individual or institution from which the defendant is released. Such reports shall not be deemed to be a violation of any doctor-patient, psychiatrist-patient, or psychologist-patient privilege.

Section 11. If at any time it appears that the defendant has failed to comply with the conditions of release, that the defendant's condition has deteriorated to the point that inpatient care is required, or that the release conditions should be modified, the court may, after a hearing, modify the release conditions or order the defendant returned to the Department of Mental Health and Mental Retardation for further treatment. All such hearings shall be preceded by notice to the Department and to the parties required to be notified in Section 4. All such modifications and orders shall be guided by the standard of whether such modifications and orders are necessary to ensure that the defendant does not pose a real and present threat of substantial harm to himself or to others.

Section 12. If at any time after a defendant has been conditionally released, it appears that removal of some of the conditions or release of the

defendant without conditions will not cause the defendant to pose a real and present threat of substantial harm to himself or to others by being at large, the court, after a hearing, shall remove the unnecessary conditions, or it shall order the defendant released unconditionally and terminate its jurisdiction over the case, as the case may be. All such hearings shall be preceded by notice to the Department and to the parties required to be notified in Section 4.

Section 13. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	Denton	Hale	Menton	
Bailey	Dial	Hand	Preuitt	
Bennett	Dixon	Holmes	Rice	
Bishop	Ellis	Horn	Smith (B)	
Cabaniss	Foshee	Langford	Smith (J)	
deGraffenried	Goodwin	Manley		—22

Nays: —0

And said Bill, S. B. 137, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22; Nays 1.

Yeas:

Senators:	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Preuitt	
Barron	Denton	Hand	Rice	
Bennett	Dial	Holmes	Smith (B)	
Bishop	Ellis	Horn	Smith (J)	
Cabaniss	Foshee	Manley		—22

Nay: Senator Hilliard —1

BUDGET ISOLATION RESOLUTION

Senator Holmes, B. I. R., S. B. 316, adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Covington	Hale	Menton	
Bailey	deGraffenried	Hand	Preuitt	
Barron	Denton	Holmes	Rice	
Bennett	Dial	Langford	Smith (B)	
Cabaniss	Dixon	Manley	Smith (J)	
Campbell	Ellis			—21

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 316. To declare that all conveyances and vehicles of transportation, including trailers and semi-trailers, horses, or any other equipment, together with all harness or other accessories used in the perpetration of livestock theft, be contraband and forfeited to the State Department of Agriculture and Industries; to allow Livestock Theft Investigators and other officers to seize property used in the perpetration of livestock theft and report said seizure to the District Attorney; to require that the District Attorney institute condemnation proceedings against property in the same manner as condemnation proceedings against property used to transport illegal alcoholic beverages; to require that the proceeds from the sale of such property be paid into the state agricultural fund; to allow lienholders with a perfected security interest under the Uniform Commercial Code to recover the property after payment of expenses.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Menton
Bailey	Denton	Hale	Preuitt
Bennett	Dial	Hand	Rice
Cabaniss	Dixon	Holmes	Smith (B)
Campbell	Ellis	Manley	Smith (J)
Covington			

—20

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Hale, B. I. R., S. B. 35, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Manley
Bailey	Covington	Hale	Rice
Barron	deGraffenried	Hand	Smith (B)
Bennett	Dial	Holmes	Smith (J)
Cabaniss	Dixon	Langford	

—18

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 35. To amend Section 12-14-5, Code of Alabama 1975, which Section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which Section relates to appeals to the circuit court from judgments of municipal courts; to establish an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

REGULAR SESSION
6th Day

339

Yeas 18; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Rice	
Barron	Denton	Hand	Smith (B)	
Bennett	Dixon	Langford	Smith (J)	
Cabaniss	Ellis	Manley		—18

Nays: —0

MOTION TO ADJOURN LOST

At 3:19 P.M., Senator deGraffenried moved that the Senate adjourn until Tuesday, February 23, 1988, at 1 o'clock P.M., which motion was lost.

Yeas 8; Nays 14.

Yeas:

Senators:	Foshee	Hilliard	Rice	
Covington	Goodwin	Preuitt	Smith (B)	
deGraffenried				—8

Nays:

Senators:	Cabaniss	Dixon	Langford	
Bailey	Campbell	Ellis	Menton	
Barron	Denton	Hale	Smith (J)	
Bennett	Dial	Hand		—14

BUDGET ISOLATION RESOLUTION

Senator Dial, B. I. R., S. B. 60, adopted.

Yeas 18; Nays 1.

Yeas:

Senators:	deGraffenried	Goodwin	Menton	
Bailey	Denton	Hale	Preuitt	
Bennett	Dixon	Hand	Smith (B)	
Cabaniss	Ellis	Hilliard	Smith (J)	
Campbell	Foshee	Langford		—18

Nay: Senator Rice —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 60. Relating to water quality and protection; to authorize the Alabama Department of Environmental Management to establish a regulatory program for underground storage tanks and to establish a state program to protect wellhead areas of public water supply systems from contaminants which may have an adverse effect on the health of persons; to amend Section 22-22A-5, Code of Alabama 1975, which relates to the powers and functions of the Department, so as to prescribe penalties for violations of this act; and to authorize said Department to promulgate rules and regulations to carry out the purposes of this act.

was taken up.

On motion of Senator Dial, further consideration of the Bill, S. B. 60, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Denton, B. I. R., S. B. 148, adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Covington	Ellis	Langford	
Bailey	deGraffenried	Foshee	Menton	
Barron	Denton	Goodwin	Preuitt	
Bennett	Dial	Hand	Rice	
Cabaniss	Dixon	Hilliard	Smith (J)	
Campbell				—20

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 148. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1989, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Covington	Foshee	Langford	
Bailey	deGraffenried	Goodwin	Menton	
Barron	Denton	Hale	Preuitt	
Bennett	Dial	Hand	Rice	
Cabaniss	Dixon	Hilliard	Smith (J)	
Campbell				—20

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Hand, B. I. R., S. B. 140, adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Campbell	Dixon	Hand	
Bailey	Covington	Ellis	Langford	
Barron	deGraffenried	Foshee	Manley	
Bishop	Denton	Goodwin	Menton	
Cabaniss	Dial	Hale	Rice	—19

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 140. To amend Section 33-5-13, Code of Alabama 1975, relating to the term of certain certificates and licenses issued by the marine police division of the department of conservation and natural resources, so as to provide for a staggered vessel registration system.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Langford
Bailey	Covington	Goodwin	Manley
Barron	deGraffenried	Hale	Menton
Bennett	Denton	Hand	Rice
Bishop	Dixon	Hilliard	Smith (B)
Cabaniss			

—20

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Langford, B. I. R., S. B. 120, adopted.

Yeas 21; Nays 1.

Yeas:

Senators:	deGraffenried	Hand	Menton
Bailey	Denton	Hilliard	Preuitt
Barron	Dixon	Horn	Rice
Bennett	Ellis	Langford	Smith (B)
Bishop	Goodwin	Manley	Smith (J)
Covington	Hale		

—21

Nay: Senator Amari

—1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 120. To amend Section 14-9-41, Code of Alabama 1975, to allow certain persons who have been sentenced to 15 years or less to receive the benefits of correctional incentive time and to provide that correctional incentive time benefits shall not apply to any minimum term of confinement that may be ordered pursuant to the provisions of Section 15-18-8, Code of Alabama 1975.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 120, to-wit:

AMENDMENT TO S. B. 120

Amend S. B. 120, Page 5, Line 9, by striking out the period (.) after the word "law" and by inserting the following:

"; provided, however, that those inmates who have been sentenced to between 10 and 15 years shall not be granted correctional incentive time on a retroactive basis."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Langford	
Amari	Corbett	Goodwin	Manley	
Bailey	Covington	Hale	Menton	
Barron	deGraffenried	Hand	Preuitt	
Bennett	Denton	Hilliard	Rice	
Bishop	Dial	Horn	Smith (B)	
Cabaniss	Dixon			—25

Nays: —0

And said Bill, S. B. 120, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 21; Nays 1.

Abstaining 1.

Yeas:

Senators:	Campbell	Ellis	Langford	
Amari	Corbett	Goodwin	Menton	
Bailey	Covington	Hale	Preuitt	
Barron	deGraffenried	Hand	Rice	
Bennett	Denton	Horn	Smith (B)	
Cabaniss	Dixon			—21

Nay: Senator Smith (J) —1

Abstaining: Senator Dial —1

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., S. B. 338, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	Covington	Ellis	Holmes	
Bailey	deGraffenried	Goodwin	Preuitt	
Barron	Denton	Hale	Rice	
Bennett	Dial	Hand	Smith (B)	
Cabaniss	Dixon			—17

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 338. To amend further Section 36-25-1 of the Code of Alabama 1975, relating to the code of ethics for public officials and employees, so as to exempt certain firemen from the provisions of such code of ethics.

was taken up.

On motion of Senator Corbett, further consideration of the Bill, S. B. 338, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Bennett, B. I. R., S. B. 102, adopted.

Yeas 21; Nays 1.

Yeas:

Senators:	Denton	Hand	Menton
Bailey	Dial	Hilliard	Preuitt
Barron	Dixon	Holmes	Rice
Bennett	Ellis	Langford	Smith (B)
Campbell	Goodwin	Manley	Smith (J)
deGraffenried	Hale		

—21

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 102. To provide for the investment of the ad valorem taxes collected by the ad valorem tax officials of this State, to provide for the distribution of interest on such investment, to establish a fund out of a portion of the interest on said investments for the use of said officials, and to specify certain uses and restrictions on the use of said fund.

was taken up.

On motion of Senator Bennett, further consideration of the Bill, S. B. 102, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Bennett, B. I. R., S. B. 103, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	Cabaniss	Hale	Preuitt
Bailey	deGraffenried	Hand	Rice
Barron	Dial	Langford	Smith (B)
Bedford	Dixon	Menton	Smith (J)
Bennett	Goodwin		

—17

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 103. To provide for the correction of errors made in the assessment, computation, calculation and collection of ad valorem taxes, including penalties or fees due thereon and any mechanical errors found in the tax return, and to further provide for the refund of overpayments due to such errors.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 103, to-wit:

AMENDMENT TO S. B. 103

Amend Senate Bill 103, on Page 1, Line 26, by deleting “,” after the word thereon and inserting in lieu thereof “;”.

Further amend Senate Bill 103, on Page 1, Line 28, by deleting “,” after the word thereon and inserting in lieu thereof “;”.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Bennett	Dixon	Langford	
Amari	Cabaniss	Ellis	Menton	
Bailey	deGraffenried	Goodwin	Rice	
Barron	Denton	Hale	Smith (B)	
Bedford	Dial	Hand		—18

Nays: —0

And said Bill, S. B. 103, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Manley	
Amari	Denton	Hale	Menton	
Bailey	Dial	Hand	Rice	
Barron	Dixon	Holmes	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Cabaniss				—20

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., S. B. 10, adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Langford	
Bailey	Denton	Hale	Manley	
Bedford	Dial	Hand	Menton	
Bennett	Dixon	Holmes	Rice	
Cabaniss	Ellis	Horn	Smith (J)	
Campbell				—20

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 10. To amend Section 9-17-6, Code of Alabama 1975, which relates to the state oil and gas board, so as to authorize the board to regulate

enhanced recovery methods, including Class II injection wells; and to delegate power and authority to a hearing officer; to amend Section 9-17-24, Code of Alabama 1975, which provides for notification and filing fees prior to drilling wells, so as to authorize the board to collect filing fees and application fees, to establish the Alabama State Oil and Gas Board Special Fund, and to provide that well permit fees, filing fees and application fees shall be paid into the State Oil and Gas Board Special Fund.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Holmes	
Bailey	deGraffenried	Foshee	Langford	
Barron	Denton	Goodwin	Manley	
Bedford	Dial	Hale	Menton	
Bennett	Dixon	Hilliard	Rice	—19

Nays: —0

POINT OF PERSONAL PRIVILEGE

Senator Bedford requested that the Journal show that had he been present when the Bill, S. B. 10, was introduced, he would have been a co-sponsor.

BUDGET ISOLATION RESOLUTION

Senator Ellis, B. I. R., S. B. 21, adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Langford	
Bailey	deGraffenried	Goodwin	Manley	
Barron	Denton	Hale	Menton	
Bedford	Dial	Hilliard	Rice	
Bennett	Ellis	Holmes	Smith (J)	
Cabaniss				—20

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 21. To amend further Code of Alabama 1975, Section 32-5-313, relating to penalties for traffic infractions which provide funding for the driver education and training fund and the Alabama Traffic Safety Center Fund; so as to provide that the expenditures of funds used to support programs of the Alabama Traffic Safety Center shall not be controlled by the state department of education or any institution under its control, retroactively effective to August 8, 1987.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Langford
Amari	Campbell	Goodwin	Manley
Bailey	deGraffenried	Hale	Menton
Barron	Denton	Hilliard	Rice
Bedford	Dial	Holmes	Smith (J)
Bennett	Ellis		

—21

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B. I. R., S. B. 180, adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Hilliard
Bailey	deGraffenried	Foshee	Langford
Barron	Denton	Goodwin	Manley
Bedford	Dial	Hale	Menton
Bennett	Dixon	Hand	Smith (J)
Cabaniss			

—20

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 180. To provide that any person convicted of certain crimes of violence or serving certain sentences shall not be eligible for work release.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Manley
Bailey	Denton	Goodwin	Menton
Bishop	Dial	Hale	Rice
Cabaniss	Dixon	Hand	Smith (B)
Campbell	Ellis	Hilliard	Smith (J)

—19

Nays:

—0

ADJOURNMENT

At 4:15 P.M., on motion of Senator deGraffenried, in accordance with Motion heretofore adopted, the Senate adjourned until Tuesday, February 23, 1988, at 1 o'clock P.M.

**SEVENTH LEGISLATIVE DAY
TUESDAY, FEBRUARY 23, 1988**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by the Reverend Mark Ebersold, Pastor, Catoma Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Erika Briers, Jeff Davis High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Figures	Langford
Amari	Corbett	Foshee	Manley
Bailey	Covington	Goodwin	Menton
Barron	deGraffenried	Hale	Parsons
Bedford	Denton	Hand	Preuitt
Bedsole	Dial	Hilliard	Rice
Bennett	Dixon	Holmes	Smith (B)
Bishop	Drinkard	Horn	Smith (J)
Cabaniss	Ellis		

—33

JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Sixth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Mitchem and Sanders for today.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Dial:

S. 437. To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance and Taxation.

By Senators Manley, Drinkard, deGraffenried, Foshee, and Smith (J):

S. 438. To further provide for coverage of certain health, medical, hospital and accident and sickness insurance policies or certificates, so as to require certain other surgical and nonsurgical treatment for temporomandibular joint and craniomandibular disorders.

Committee on Health.

By Senator Manley:

S. 439. Relating to the administration of common trust funds, which amends Title 5, Chapter 12A, Code of Alabama 1975, by adding a new Section 5-12A-16 so as to provide that if any investment made in good faith by a trust institution is deemed imprudent or improper, then in any subsequent assessment of damages against the trust institution with respect to such investment, losses resulting from the investment shall be offset by gains from proper investments derived by the fund during the period under examination to the extent that the fund as a whole has achieved a reasonable return; to provide a definition of "reasonable return"; to provide for severability of the provisions of this Act; to provide for repeal of conflicting laws; and to provide for an effective date.

Committee on Banking and Insurance.

By Senator Dixon:

S. 440. Requiring certain public school students participating in certain extracurricular activities either to satisfy certain academic standards or to attend a school sponsored tutoring program in order to remain eligible for such extracurricular participation and prescribing certain rules and procedures for the administration of this act.

Committee on Education.

By Senator Corbett:

S. 441. To provide that any adult may, without payment of tax, produce limited amounts of beer and wine for personal or family use and not for sale.

Committee on Public Welfare.

By Senator Bailey (With Notice and Proof):

S. 442. Relating to Geneva County; providing for election of the members of the county commission from certain defined districts and prescribing

the manner by which such districts shall hereafter be defined for purposes of electing such members.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 442, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Bedsole, Bennett, and Dial:

S. 443. To amend Section 15-23-3, Code of Alabama, 1975, to increase the expenses related to funeral, cremation or burial, payable to the Alabama Crime Victims Compensation Commission to victims of violent crime to the amount of \$3,000.00 and Section 15-23-5, Code of Alabama, 1975, to authorize the Executive Director of the Alabama Crime Victims Compensation Commission to pass upon all supplemental applications for compensation in an amount not to exceed \$1,000.00 and to pass upon all original applications for claims in an amount not to exceed \$500.00; and Section 15-23-15, Code of Alabama, 1975, to increase the compensation payable to a victim and to all other claimants by the Alabama Crime Victims Compensation Commission to the amount of \$25,000.00 in the aggregate and to increase the present value of all future economic loss to an amount not to exceed \$2,000.00.

Committee on Judiciary.

By Senator Bishop:

S. 444. To make an appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance and Taxation.

By Senator Ellis:

S. 445. Repealing Section 9-11-49.2 Code of Alabama 1975 which provides that a nonresident individual property owner upon presentation of proof of payment of at least \$100.00 ad valorem property tax shall be treated as a resident for the purpose of procuring hunting licenses.

Committee on Agriculture,
Conservation, and Forestry.

By Senators Cabaniss and Bennett:

S. 446. To permit an authorizing subdivision to exercise police powers on airport authority property; and to amend Section 4-3-47, Code of Alabama 1975, as amended, which pertains to the powers of an airport authority, to provide that jurisdiction over misdemeanors committed on the property of an airport authority shall be vested in the courts of any municipality that is an authorizing subdivision when no county is an authorizing subdivision.

Committee on Judiciary.

By Senators Hand, Dial, Foshee, Dixon, Hale, Cabaniss, Ellis, Smith (B), and Covington:

S. 447. Relating to state income tax; to provide further for the exemption of military retirement benefits; to amend Section 40-18-20 of the Code of Alabama 1975.

Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell:

H. 114. To revise the law on redemption of real estate and provide: definitions; who may redeem and priorities; to extend rights under this bill to executors and administrators; to characterize the rights of redemption under this bill; demand for statement of debt and lawful charges by person entitled to redeem; payment or tender of purchaser money and other lawful charges, with interest; payment of value of permanent improvements and how the value of improvements are ascertained; provisions for when there is a failure or refusal of a purchaser to recover title; the settlement and adjustment of rights and equities by a circuit court when a complaint is filed; and when a right to redeem does not exist. This act applies only to mortgages foreclosed on or after the effective date of this Act which is January 1, 1989. The bill further repeals Alabama Code Sections 6-5-230 through 6-5-246 as amended.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 114—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell:

H. 113. To authorize (and in certain circumstances to require) a fiduciary to make certain elections or to divide or keep separate a trust or estate in light of the generation-skipping transfer tax, to be effective with respect to transfers in trust, and decedents dying, on and after January 1, 1987.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 113—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Walker:

H. 34. To further provide for the civil procedures, exemptions, and remedies, from certain levies and sales under process, and garnishment proceedings and garnishment maximums; to further amend and provide for: Section 6-10-6 relating to personal property exemptions from certain levies and sales, so as to exclude wages, salaries or other compensation; Section 6-10-37 relating to the garnishment of money, choses in action or personal property, so as to prescribe that the maximum of such amounts shall be those provided by the Constitution or federal laws; and Section 5-19-15 relating to the allowable maximum garnishment, so as to conform the basis to that of federal law.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 34—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell:

H. 117. To amend Alabama Code Sections 43-8-40 and 43-8-70 to clarify the meaning of "estate" of a surviving spouse.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 117—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell:

H. 116. To revise the law on powers contained in mortgages on real estate and to provide: definitions; foreclosure by power of sale; minimum standards for notice of sale; method of conducting foreclosure by power of sale; and successive sales under power permitted. This Act applies only to mortgages, defined herein, executed on or after the effective date of this Act which is January 1, 1989.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 116—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Blake, Drake, Cosby, Hill, Haynes, Crow, and Fuller:

H. 210. To amend sections 12-18-55, 12-18-58, and 12-18-60, Code of Alabama 1975, to provide that district judges who have served 10 years as a district judge and have reached 70 years of age shall be eligible to retire, regardless of whether such service is continuous; to further provide spousal benefits for district judges equal to 3 percent of their state salary; to further provide that the amount of benefits received by retired district judges shall be computed based on a percentage of their state salary rather than the retirement pay received by circuit judges and to provide that such judges shall be entitled to the same cost-of-living increases as received by retired state employees.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 210—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Goodwin (With Notice and Proof):

H. 119. Relating to Colbert County; amending Act No. 84-505, H. 885, 1984 Regular Session, which provides for the compensation of members of the Utilities Board of Muscle Shoals, so as to provide further for said compensation and to provide for retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 119, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. White (F) (With Notice and Proof):

H. 441. Relating to Escambia County; to provide that beer or ale may be sold in cans not exceeding one quart or 32 ounces in size.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 441, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 119 and 441—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Johnson (RG), Haynes, and Carothers:

H. 313. To amend Section 12-15-34, Code of Alabama 1975, so as to provide that a child 14 or more years of age may be transferred by the juvenile court for criminal prosecution as an adult for any crime; to provide that the finding of probable cause at the transfer hearing in the juvenile court shall preclude a further probable cause hearing in the criminal court; to provide that the criminal court may exercise any authority over the child, once transferred, that is otherwise applicable to adult offenders; to provide that transfer to the criminal court and conviction therein terminates jurisdiction of the juvenile court over such child with respect to any pending or

subsequent criminal acts; to amend the definition of "delinquent act" found in Section 12-15-1 so as to exclude criminal acts committed by a child who has previously been transferred for criminal prosecution and convicted as provided in Section 12-15-34; to amend Section 12-15-33 so as to preclude the possibility of transfer to the juvenile court of a criminal case against a child who has been previously transferred for criminal prosecution and convicted as provided in Section 12-15-34; and, to provide an effective date.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 313—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Zoghby, Kvalheim, Box, Turner, Kennedy, Gaston, Marietta, Clark (W), Buskey (JE), and Harper:

H. J. R. 118. COMMENDING KARLENE FRAZIER FARMER, 1987 FIRST LADY OF MOBILE.

Also:

By Reps. Johnson (RW) and Haynes:

H. J. R. 120. COMMENDING HORACE W. HODGES OF TUSCALOOSA, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 118 and 120, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

H. J. R. 121. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, February 18, 1988, that we adjourn to meet again on Tuesday, February

23, 1988; and that when we adjourn on Tuesday, February 23, 1988, that we adjourn to meet again on Thursday, February 25, 1988.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 121, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Flowers:

H. J. R. 108. NAMING ACT NO. 87-573, H. 719, 1987 REGULAR SESSION, "THE PERRY O. HOOPER, JR., ACT."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 108, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Black:

H. J. R. 106. COMMENDING JULIAN E. WALKER OF YORK, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Reps. Venable and Blake:

H. J. R. 109. CONGRATULATING ELMORE COUNTY HIGH SCHOOL, ALABAMA'S 1987 4A FOOTBALL CHAMPIONS.

Also:

By Reps. Clark (W), Buskey (JE), Kennedy, Gaston, Kvalheim, Box, Zoghby, Harper, and Marietta:

H. J. R. 114. COMMENDING COACH WILLIAM HAROLD CLARK OF C. F. VIGOR HIGH SCHOOL, PRICHARD, ALABAMA.

Also:

By Reps. Clark (W), Buskey (JE), Kennedy, Gaston, Kvalheim, Box, Zoghby, Harper, and Marietta:

H. J. R. 115. COMMENDING THE VIGOR HIGH SCHOOL WOLVES AS OUR 1987 STATE 6A FOOTBALL CHAMPIONS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 106, 109, 114, and 115, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

INTERIM COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 75-1218, the annual report of the Joint Highway Committee was filed with the Secretary.

REPORTS OF COMMITTEES

Senator Amari, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Goodwin:

S. 432. To further provide for the Senate confirmation process for certain statutory gubernatorial appointments; to repeal conflicting laws; and to provide retroactive effect.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Barron, Preuitt, Dial, Rice, Mitchem, Holmes, Bedsole, Smith (J), Manley, Denton, Campbell, Hand, Covington, Bailey, Foshee, Goodwin, Dixon, Amari, Figures, Menton, Ellis, Hale, Bishop, and Bedford:

S. 429. To appropriate from the General Fund the sum of \$700,000 during the fiscal year 1987-1988, to the Department of Agriculture and Industries Agricultural Development Services program which sum shall be allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Corbett, Menton, and Campbell (With Substitute):

S. 74. Relating to the Alabama Sunset Law; to continue the existence and functioning of the real estate commission as provided in Sections 34-27-1 through 34-27-38, Code of Alabama 1975, with certain modifications;

to amend Sections 34-27-3, 34-27-7, 34-27-8, 34-27-31, 34-27-32, 34-27-33, 34-27-34, 34-27-35, and 34-27-37, Code of Alabama 1975, so as to delete references to certain activities of nonresident real estate brokers pursuant to a stipulation of settlement of a United States District Court Order of the Middle District of Alabama, Northern Division (CA 87-T-335-N), styled "Georgia Association of Realtors vs. Alabama Real Estate Commission"; to limit commission members to two (2) consecutive terms of office; to add two (2) additional members to the commission; to require senate confirmation of appointees; to require the rules of the commission be adopted pursuant to the state administrative procedure statutes; and to provide further for the educational requirements, testing requirements and other requirements of the licensees of the board; and to provide further for rehearings of actions of the board.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Corbett, Menton, and Campbell:

S. 76. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of heating and air conditioning contractors as provided in Sections 34-31-18 through 34-31-34, Code of Alabama 1975, with certain modifications; to amend Sections 34-31-18, 34-31-19, 34-31-20, 34-31-21, 34-31-28, 34-31-29 and 34-31-32, Code of Alabama 1975, so as to: include service and repair persons as certified by the board; to allow contractors to install, service or repair natural gas appliances, to limit board members to two (2) consecutive terms; to authorize the board to take testimony, hold hearings, subpoena witnesses; to take certain disciplinary action; and to provide further for examinations of the board.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Corbett, Menton, and Campbell (With Amendment):

S. 75. Relating to the Alabama Sunset Law; to continue until October 1, 1989, the existence and functioning of the Insurance Department as provided in Sections 27-2-1 through 27-2-55, generally, and Section 27-2-1 specifically, Code of Alabama 1975, with certain modifications; to amend Section 27-2-17, Code of Alabama 1975, so as to require the rules and regulations of the department be adopted in accordance with the state administrative procedure statutes.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Corbett, Menton, and Campbell:

S. 77. Relating to the Alabama Sunset Law; to continue the existence and functioning of the plumbing examiners board as provided in Section 40-12-145, Code of Alabama 1975.

By Senators Corbett and Campbell:

S. 78. Relating to the Alabama Sunset Law; to continue the existence and functioning of the public service commission as provided in Section 37-1-1, Code of Alabama 1975.

By Senators Corbett, Menton, and Campbell:

S. 79. Relating to the Alabama Sunset Law; to continue the existence and functioning of the pilotage commission as provided in Sections 33-4-1 through 33-4-57, Code of Alabama 1975, with certain modifications; to amend Section 33-4-48, Code of Alabama 1975, so as to change the method of computing pilots' fees.

By Senators Corbett, Menton, and Campbell:

S. 80. Relating to the Alabama Sunset Law; to continue the existence and functioning of the alcoholic beverage control board as provided in Section 28-3-40, Code of Alabama 1975.

By Senators Corbett, Menton, and Holmes:

S. 81. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of examiners of mine personnel as provided in Sections 25-9-1 through 25-9-30, Code of Alabama 1975, with certain modifications; to amend Sections 25-9-9 and 25-9-15, Code of Alabama 1975, so as to limit members to two (2) consecutive terms of office; and allow reprimand as disciplinary action.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Corbett, Menton, and Campbell (With Amendment):

S. 82. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of examiners in psychology as provided in Sections 34-26-1 through 34-26-48, Code of Alabama 1975, with certain modifications; to amend Sections 34-26-21, 34-26-22, 34-26-41, 34-26-43 and 34-26-46, Code of Alabama 1975, so as to add 2 members to the board; to limit board members to two (2) consecutive terms of office; to limit board members travel expenses; to allow the recognition of areas of specialization for practice; to authorize the adoption of rules pursuant to the administrative procedure statutes; to allow certain reciprocal agreements for out of state applicants; to remove automatic appropriation clause; and to expand grounds for revoking or suspending licenses.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Corbett, Menton, and Campbell:

S. 83. Relating to the Alabama Sunset Law; to continue the existence and functioning of the state board of public accountancy as provided in Sections 34-1-1 through 34-1-22, Code of Alabama 1975, with certain modifications to amend Section 34-1-3, Code of Alabama 1975, so as to: preserve

one public accountant on the board; to provide board members the same per diem and allowance as state employees; and to provide for confidentiality of board records.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Corbett, Menton, Holmes, and Campbell (With Amendment):

S. 84. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Securities Commission as provided in Sections 8-6-50 through 8-6-60, Code of Alabama 1975, with certain modifications; to amend Sections 8-6-52 and 8-6-56, Code of Alabama 1975, so as to restrict members' terms of office to two (2) consecutive terms of office; and to provide further for the salary of the director of the commission.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Corbett, Menton, and Campbell:

S. 85. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of auctioneers as provided in Sections 34-4-1 through 34-4-54, Code of Alabama 1975, with certain modifications; to amend Sections 34-4-21, 34-4-50, 34-4-53, and 34-4-54, Code of Alabama 1975, so as to provide for a one-year limit on the grandfather clause; to establish penalties for late renewals of licensees of the board; to require board rules be adopted pursuant to the administrative procedure statutes; to limit board members to two (2) consecutive terms of office; to remove the annual limit of expenses of the board; and to transfer the board's funds to the state treasury.

By Senators Corbett, Menton, and Campbell:

S. 86. Relating to the Alabama Sunset Law; to continue the existence and functioning of the examining board for professional entomologists, horticulturists, plant pathologists, floriculturists and tree surgeons as provided in Sections 2-28-1 through 2-28-12, Code of Alabama 1975, with certain modifications; to amend Sections 2-28-4 and 2-28-7, Code of Alabama 1975, so as to require a \$12.00 examination fee by the board; and to allow revocation by the commissioner or by the board of an individual's certification under Chapter 28, Title 2.

By Senators Corbett, Menton, Holmes, and Campbell:

S. 87. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of cosmetology as provided in Sections 34-7-1 through 34-7-47, Code of Alabama 1975, with certain modifications; to amend Section 34-7-40, Code of Alabama 1975, so as to require the boards rules be adopted in compliance with the administrative procedures statutes.

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Senator Smith (J):

S. 94. To amend Code of Alabama 1975, §20-2-93, relating to seizure and forfeiture of property in controlled substances cases.

By Senator Smith (J):

S. 178. To amend Section 12-17-61, Code of Alabama 1975, which provides for the number of district court judges, so as to provide three district court judges for Madison County; to provide for the time of establishment of such judgeship No. 3; and to provide for the election of such additional district judge.

By Senator Dial:

S. 40. To amend Section 37-1-47 of the Code of Alabama 1975, relating to Public Service Commission intervention in certain federal proceedings, so as to provide further for participation in federal proceedings by the Public Service Commission.

MOTIONS IN WRITING

Senator Denton offered the following Motions in Writing, to-wit:

I move that the Bill, S. B. 393, on page 36 of the 7th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, S. B. 151, on page 9 of the 7th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which were adopted, and the President and Presiding Officer of the Senate ordered said Bills, S. B.'s 393 and 151, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 61. COMMENDING THE ATHENS HIGH SCHOOL BAND FOR OUTSTANDING ACHIEVEMENT.

Also:

S. R. 62. MOURNING THE DEATH OF THOMAS LEE HAMMONS OF LIMESTONE COUNTY, ALABAMA.

Also:

S. R. 63. COMMENDING CHARLES PAGE, LIMESTONE COUNTY LAW ENFORCEMENT OFFICER OF THE YEAR.

Which were filed.

BUDGET ISOLATION RESOLUTION

Senator Dial, B. I. R., H. B. 337, adopted.

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Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Goodwin	Langford
Amari	Corbett	Hale	Manley
Bailey	Dial	Hand	Menton
Barron	Drinkard	Hilliard	Parsons
Bedford	Ellis	Holmes	Preuitt
Bedsole	Figures	Horn	Rice
Bennett	Foshee		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 337. Relating to Chambers County; authorizing the county commission to levy and collect an additional one percent sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection of such tax by the state department of revenue; providing for distribution and use of the proceeds; prescribing penalties; fixing punishment for violation of this act providing that this tax shall self-destruct at the end of four years and providing for a referendum.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Goodwin	Langford
Amari	Corbett	Hale	Manley
Bailey	Dial	Hand	Menton
Barron	Drinkard	Hilliard	Parsons
Bedford	Ellis	Holmes	Preuitt
Bedsole	Figures	Horn	Rice
Bennett	Foshee		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Bishop, B. I. R., H. B. 174, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Langford
Amari	Denton	Hale	Manley
Bailey	Dial	Hand	Menton
Barron	Dixon	Hilliard	Parsons
Bedsole	Ellis	Holmes	Preuitt
Bishop	Figures	Horn	Rice
Campbell	Foshee		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 174. Relating to Walker County; amending section 1 of Act No. 80-289, H. 655, 1980 Regular Session (Acts 1980, p. 404) relating to an additional allowance for election officials who work at polling places so as to increase the additional allowance.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Langford	
Amari	Denton	Hale	Manley	
Bailey	Dial	Hand	Menton	
Barron	Dixon	Hilliard	Parsons	
Bedsole	Ellis	Holmes	Preuitt	
Bishop	Figures	Horn	Rice	
Campbell	Foshee			—25

Nays:

—0

RESOLUTIONS

Senator Ellis offered the following Senate Resolution, to-wit:

S. R. 64. COMMENDING CAPTAIN Z AND ANA HABL.

Which was filed.

Senators Drinkard, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Joint Resolution, to-wit:

S. J. R. 65. MOURNING THE DEATH OF JAMES ELISHA FOLSOM OF CULLMAN, ALABAMA.

WHEREAS, in consensus of deep sorrow and regret, the Legislature of Alabama records the death of James Elisha Folsom of Cullman, Alabama, on November 21, 1987, at the age of 79 years; and

WHEREAS, James E. Folsom, beloved governor of the State of Alabama from 1947 to 1951 and for a second term, 1955 to 1959, was a great American patriot and a truly distinguished Alabamian who impacted greatly to the good of his state and to all citizens thereof; and

WHEREAS, Governor Folsom has heretofore been commended by this body for his historic contributions as the 46th and 48th governor of the State of Alabama, and has been recognized unto posterity through the naming of the library at George C. Wallace State Community College in his honor, and through the designation of the state administrative building in the Capitol complex in Montgomery, as the "James E. Folsom Administrative Building"; and

WHEREAS, the highest tributes to Governor Folsom, however, live in the hearts and memory of those he served so long and well with great honor

and with genuine compassion and concern for all citizens of this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply grieved by the death of James Elisha Folsom of Cullman, Alabama, and extend deepest sympathy to his beloved wife, Mrs. Jamelle Folsom, to his children and to other family members, whose unrelenting sorrow is shared by all Alabamians.

BE IT FURTHER RESOLVED, That Governor Folsom's family receive copies of this resolution which has been executed and recorded in loving memory and in tribute to the life and service of James Elisha Folsom, October 9, 1908-November 21, 1987.

On motion of Senator Drinkard, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Goodwin offered the following Senate Resolution, to-wit:

S. R. 66. SENATE SEATING COMMITTEE.

BE IT RESOLVED by the Senate of Alabama, that there is hereby created a Senate Seating Committee to be responsible for all seating arrangements in the Senate Chamber. This committee to be composed of three members, two to be appointed by the chairman of the majority caucus and one to be appointed by the chairman of the minority caucus.

BE IT FURTHER RESOLVED That this resolution shall be effective immediately upon its adoption by the Senate.

Which was read and referred to the Standing Committee on Rules.

Senators deGraffenried, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Joint Resolution, to-wit:

S. J. R. 67. NAMING STATE HIGHWAY 69 FROM COFFEEVILLE TO GUNTERSVILLE, ALABAMA, "THE FOLSOM-MCFARLAND HIGHWAY."

WHEREAS, The Honorable James E. Folsom, a native of Coffee County and beloved former governor of Alabama, died on November 21, 1987, and was the father of our colleague, Lieutenant Governor James E. Folsom, Jr.; and

WHEREAS, James E. "Big Jim" Folsom was held in high public esteem and affection by the people of this state because of his visionary proposals, including the minimum nine-month school term and "mail box roads" and during his administrations there was a record 3,000 plus miles of roads paved within this state; and

WHEREAS, Mr. Ward McFarland, a native of Tuscaloosa, Alabama, died in June 1979, and was former State Highway Director and Alabama State Docks Director under Governor Folsom, whose business and development acumen and high intellect brought distinction to himself and to the state, and he was the father of Mental Health Commissioner Bill McFarland; and

WHEREAS, the works and deeds of these great men, for the betterment of the citizens of this state, have left lasting monuments to the memory of two of Alabama's beloved political giants in the minds and hearts of all Alabamians;

WHEREAS, this Legislature wishes to pay appropriate tribute and respect to the memory of these devoted servants of the State of Alabama, and as in the beautiful words of the First Earl of Chatham, William Pitt: "... They are not dead who live in the hearts they leave behind, In those whom they have blessed"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby direct that the portion of State Highway 69 from Coffeeville in Clarke County to Guntersville in Marshall County, Alabama, be renamed and designated "The Folsom-McFarland State Highway" in honor of former Governor James E. "Big Jim" Folsom and of former State Highway Director and State Docks Director, Ward McFarland, as a tribute to the memory of these two dedicated statesmen.

RESOLVED FURTHER, That the Secretary of the Senate shall furnish copies of this Resolution to Lieutenant Governor James E. Folsom, Jr., and other appropriate family members, and to Commissioner Bill McFarland, and other appropriate family members, so that they may know of our high esteem and admiration.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Smith (B), B. I. R., S. B. 246, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Menton
Amari	Denton	Hale	Parsons
Barron	Dial	Hilliard	Preuitt
Bedsale	Dixon	Holmes	Rice
Bennett	Drinkard	Horn	Smith (B)
Bishop	Ellis	Manley	Smith (J)
Cabaniss	Figures		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 246. To amend Act No. 464, H. 1033, approved November 13, 1959, relating to the management of the public records of Madison County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Madison County, and for payment of the costs incurred in the purchase of photographic or microphotographic equipment; creating a county records commission to regulate the destruction or disposal of such public records; and providing for establishment of a county records custodian and reproduction department.

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was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Menton	
Amari	Denton	Hale	Parsons	
Barron	Dial	Hilliard	Preuitt	
Bedsole	Dixon	Holmes	Rice	
Bennett	Drinkard	Horn	Smith (B)	
Bishop	Ellis	Manley	Smith (J)	
Cabaniss	Figures			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B. I. R., S. B. 94, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Manley	
Barron	deGraffenried	Foshee	Menton	
Bedford	Denton	Hand	Smith (B)	
Bennett	Dixon	Hilliard	Smith (J)	
Cabaniss	Drinkard	Horn		—18

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 94. To amend Code of Alabama 1975, §20-2-93, relating to seizure and forfeiture of property in controlled substances cases.

was taken up.

Senator Bennett requested and received unanimous consent to suspend the Rules in order to offer the following substitute for the Bill, S. B. 94, to-wit:

SUBSTITUTE FOR S. B. 94

**A BILL
TO BE ENTITLED
AN ACT**

To amend Code of Alabama 1975, §20-2-93, relating to seizure and forfeiture of property in controlled substances cases.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be entitled "The Drug Profits Forfeiture Act of 1988."

Section 2. Code of Alabama 1975, §20-2-93 is hereby amended to read as follows:

“§20-2-93.

“(a) The following are subject to forfeiture:

“(1) All controlled substances which have been grown, manufactured, distributed, dispensed or acquired in violation of this chapter, any law of this State;

“(2) All raw materials, products and equipment of any kind which are used or intended for use in manufacturing, cultivating, growing, compounding, processing, delivering, importing or exporting any controlled substance in violation of this chapter; any law of this State;

“(3) All property which is used or intended for use as a container for property described in subdivisions (1) or (2) of this subsection;

“(4) Lawful currency (money) of the United States of America seized:

“~~a. On or within any conveyance, including aircraft, vehicles or vessels, when the same are being used or intended for use to transport or in any manner to facilitate the transportation for the purpose of sale or receipt of property described in subdivisions (1) or (2) of this subsection;~~

“~~b. On the person of any human being found in the act of selling or receiving, or attempting to sell or receive, property described in subdivisions (1) or (2) of this subsection;~~

“~~c. Inside the room, closet, hallway, passageway or other intermediate area of any building of any type whatsoever, wherein any human being is found in the act of selling or receiving, or attempting to sell or receive, property described in subdivisions (1) or (2) of this subsection;~~

“~~d. Inside any piece of baggage, bag, package or container within the intermediate proximity of any human being found in the act of selling or receiving; or attempting to sell or receive, any property described in subdivisions (1) or (2) of this subsection; provided, however, that:~~

“~~1. No lawful currency (money) of the United States of America shall be condemned and forfeited, wherever seized, except by an affirmative finding by the trier of fact, either the court or jury as the case might be, to the following interrogatory — “The (court) (jury) is reasonably satisfied from the evidence and inferences attendant thereto that the money in issue was used, or intended for use, in a transaction which would be a violation of the Alabama Controlled Substance Act.~~

“(4) All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of any law of this State; all proceeds traceable to such an exchange; and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of any law of this State concerning controlled substances;

“(5) All conveyances, including aircraft, vehicles, or vessels, or agricultural machinery, which are used, or are intended for use, to transport, or in any manner to facilitate the transportation sale, receipt, possession, or

~~concealment of for the purpose of sale or receipt of any property described in subdivisions (1) or (2) of this subsection; provided, however, that:~~

~~"a. No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;~~

~~"b. No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the knowledge or consent; and~~

~~"c. A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission;~~

~~"(6) All books, records and research products and materials, including formulas, microfilm, tapes and data, which are used or intended for use in violation of this chapter; any law of this State concerning controlled substances;~~

~~"(7) All imitation controlled substances as defined by article 7 of this chapter." under the laws of this State.~~

~~"(8) All real property or fixtures used or intended to be used for the manufacture, cultivation, growth, receipt, storage, handling, distribution, or sale of any controlled substance in violation of any law of this State;~~

~~"(9) All property of any type whatsoever constituting, or derived from, any proceeds obtained directly, or indirectly, from any violation of any law of this State concerning controlled substances;~~

"(b) Property subject to forfeiture under this chapter may be seized by state, county or municipal law enforcement agencies upon process issued by any court having jurisdiction over the property. Seizure without process may be made if:

"(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

"(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

"(3) The state, county, or municipal law enforcement agency has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

"(4) The state, county or municipal law enforcement agency has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

"(c) In the event of seizure pursuant to subsection (b) of this section, proceedings under subsection (d) of this section shall be instituted promptly.

"(d) Property taken or detained under this section shall not be subject to replevin but is deemed to be in the custody of the state, county or municipal law enforcement agency subject only to the orders and judgment or the court having jurisdiction over the forfeiture proceedings. When property

is seized under this chapter, the state, county or municipal law enforcement agency may:

“(1) Place the property under seal;

“(2) Remove the property to a place designated by it;

“(3) Require the state, county or municipal law enforcement agency to take custody of the property and remove it to an appropriate location for disposition in accordance with law; and

“(4) In the case of real property or fixtures, post notice of the seizure on the property, and file and record notice of the seizure in the probate office.

“(e) When property is forfeited under this chapter the state, county or municipal law enforcement agency may:

“(1) Retain it for official use; except for lawful currency (money) of the United States of America which shall be disposed of ~~as provided in subdivisions (1) and (3) of subsection (d) and subdivision (2) of this subsection in the same manner provided for the disposal of proceeds from a sale in subsection (e)(2) of this section;~~

“(2) Sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds from the sale authorized by this subsection shall be used, first, for payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of or custody, advertising and court costs; and the remaining proceeds from such sale shall be awarded and distributed by the court to the municipal, and/or county, and/or state general fund, whose law enforcement agencies or departments are determined by the court to have been a participant in the investigation resulting in the seizure, and such award and distribution shall be made on the basis of the percentage as determined by the court, which the respective agency or department contributed to the police work resulting in the seizure.

“(3) Require the state, county or municipal law enforcement agency to take custody of the property and remove it for disposition in accordance with law.

“(f) Controlled substances listed in schedule I that are possessed, transferred, sold or offered for sale in violation of ~~this chapter~~ any law of this State are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in schedule I which are seized or come into the possession of the state, the owners of which are unknown, are contraband and shall be summarily forfeited to the state.

“(g) Species of plants from which controlled substances in schedules I and II may be derived which have been planted or cultivated in violation of ~~this chapter~~ any law of this State or of which the owners or cultivators are unknown or which are wild growths may be seized and summarily forfeited to the state.”

“(h) An owner's or bona fide lienholder's interest in real property or fixtures shall not be forfeited under this section for any act or omission unless the State proves that that act or omission was committed or omitted with the knowledge or consent of that owner or lienholder. An owner's or bona fide lienholder's interest in any type of property other than real property and fixtures shall be forfeited under this section unless the owner or bona

fide lienholder proves both that the act or omission subjecting the property to forfeiture was committed or omitted without the owner's or lienholder's knowledge or consent and that the owner or lienholder could not have obtained by the exercise of reasonable diligence knowledge of the intended illegal use of the property so as to have prevented such use. Except as specifically provided to the contrary in this act, the procedures for the condemnation and forfeiture of property seized under this act shall be governed by and shall conform to the procedures set out in Code of Alabama 1975, sections 28-4-286 through 28-4-290, except that: (i) the burden of proof and standard of proof shall be as set out in this subsection instead of as set out in the last three lines of §28-4-290; and (ii) the official filing the complaint shall also serve a copy of it on any person, corporation, or other entity having a perfected security interest in the property that is known to that official or that can be discovered through the exercise of reasonable diligence.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Campbell	Hand	Menton	
Barron	Covington	Hilliard	Rice	
Bedford	deGraffenried	Horn	Smith (B)	
Bennett	Dixon	Langford	Smith (J)	
Cabaniss	Ellis	Manley		—18

Nays: —0

And said Bill, S. B. 94, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Menton	
Bedsole	Covington	Hand	Rice	
Bennett	deGraffenried	Hilliard	Smith (B)	
Bishop	Dial	Horn	Smith (J)	
Cabaniss	Dixon	Langford		—18

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B. I. R., S. B. 178, adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Langford	
Barron	Covington	Hale	Manley	
Bedsole	deGraffenried	Hand	Menton	
Bennett	Dial	Hilliard	Smith (B)	
Bishop	Dixon	Horn	Smith (J)	
Cabaniss	Ellis			—21

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 178. To amend Section 12-17-61, Code of Alabama 1975, which provides for the number of district court judges, so as to provide three district court judges for Madison County; to provide for the time of establishment of such judgeship No. 3; and to provide for the election of such additional district judge.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Manley	
Barron	Dial	Hand	Menton	
Bedsole	Dixon	Hilliard	Rice	
Bishop	Ellis	Horn	Smith (B)	
Cabaniss	Foshee	Langford	Smith (J)	
Campbell				—20

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Dial, B. I. R., S. B. 40, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Langford	
Bedsole	Covington	Goodwin	Menton	
Bennett	deGraffenried	Hand	Smith (B)	
Bishop	Dial	Hilliard	Smith (J)	
Cabaniss	Dixon	Horn		—18

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 40. To amend Section 37-1-47 of the Code of Alabama 1975, relating to Public Service Commission intervention in certain federal proceedings,

so as to provide further for participation in federal proceedings by the Public Service Commission.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Horn	
Amari	Covington	Hale	Menton	
Bennett	deGraffenried	Hand	Smith (B)	
Bishop	Dial	Hilliard	Smith (J)	
Cabaniss	Drinkard	Holmes		—18
<i>Nays:</i>				—0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 53. To amend Section 4 of Act No. 87-603, H. 251, 1987 Regular Session [(Acts 1987, p. 1047), now appearing as section 13A-12-213, Code of Alabama 1975], relating to the unlawful possession of marihuana in the first degree, so as to include possession of marihuana on school premises within the offense.

Also:

S. 103. To provide for the correction of errors made in the assessment, computation, calculation and collection of ad valorem taxes, including penalties or fees due thereon and any mechanical errors found in the tax return, and to further provide for the refund of overpayments due to such errors.

Also:

S. 112. To amend Section 43-2-502 of the Code of Alabama 1975, relating to the filing of accounts by executors or administrators, so as to provide that the written evidence in the possession of an executor or administrator on which the executor or administrator relies to sustain the credit side of the account may consist of an affidavit or any other legal evidence, in the discretion of the executor or administrator.

Also:

S. 120. To amend Section 14-9-41, Code of Alabama 1975, to allow certain persons who have been sentenced to 15 years or less to receive the benefits of correctional incentive time and to provide that correctional incentive time benefits shall not apply to any minimum term of confinement that may be ordered pursuant to the provisions of Section 15-18-8, Code of Alabama 1975.

Also:

S. 137. To provide that a criminal defendant committed to the custody of the Commissioner of the Alabama State Department of Mental Health

and Mental Retardation pursuant to Code of Alabama 1975, §15-16-43, shall not be released from custody unless such release is authorized by court order, except in certain circumstances; to provide for notice and hearings related to such release; to provide for placement and modification of conditions on the release of such defendants where appropriate; and to provide for recommitment or release without conditions of such persons where appropriate.

Also:

S. 160. To amend §16-8-3 and §16-8-4, Code of Alabama, 1975, relating to the scheduling of regular meetings and annual public meetings of county boards of education.

Also:

S. 199. To provide that a utility may recover damages from any person who knowingly interferes with any meter or other recording device belonging to a utility, who knowingly diverts utility services or who intentionally and without authority uses utility services; to provide for the measure of damages which may be recovered by the utility in any such civil action.

Also:

S. 274. To further amend Section 26-16-31, Code of Alabama 1975, as amended, relating to state income tax refund designation for the children's trust fund, so as to increase the allowable contribution, and to allow the state child abuse and neglect prevention board to make adjustments thereto from time to time.

BILL DRINKARD,
Chairperson.

MOTION TO ADJOURN

Senator Drinkard moved that when the Senate adjourns today, it adjourn to meet again on Thursday, February 25, 1988, at 10 o'clock P.M., which motion was adopted.

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with amendment, to-wit:

H. J. R. 66. CREATING A LEGISLATIVE COMMISSION ON A.I.D.S.

The Standing Committee on Rules then reported the following amendment to the Resolution, H. J. R. 66, to-wit:

AMENDMENT TO H. J. R. 66

Amend H. J. R. 66 as follows:

On page 2, line 10, strike the words "or his designee"

Further amend H. J. R. 66 on page 2, line 10, by striking the "." after the word "vote" and adding the following:

"and a designee appointed by the State Health Officer."

Further amend H. J. R. 66 as follows:

After the present paragraph "7"

Add the following as

"8. State Superintendent of Education.

"9. One person shall be appointed by the Alabama Nurses Association."

Which was adopted.

And on motion of Senator Drinkard, said Resolution, H. J. R. 66, as thus amended, was concurred in and adopted by the Senate.

RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 68. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the seventh legislative day of the 1988 Regular Session only:

Inst Id	Page
S. 252	34
Alabama Trademark and Tradename Act created, Secs. 8-12-6, 8-12-7, 8-12-8, 8-12-9, 8-12-14, 8-12-16 and 8-12-17 am'd.	
S. 320	26
Counties, cert. bonds, warrants and obligations, not considered a bond or on indebtedness for cert. purposes if proceeds used for public works, consti. amend.	
S. 106	37
Hazardous waste treatment facility or disposal site prohibited after Dec. 31, 1988, until approval by Legislature, Sec. 22-30-5.1 am'd.	
S. 149	25
Municipal police forces, auth. to patrol salt water beaches within boundaries and enforce mun. ordinances and st. laws.	
S. 265	24
Child abuse or neglect, immunity from civil or criminal liability for actions in matters of, cert. reprisals prohib., Sec. 26-14-9 am'd.	
S. 281	21
Nonprofit organizations, may purchase goods and services from stores division, Finance Dept. and corrections industries.	

S. 185

11

Public Employees' Individual Retirement Account Fund, cert. public officials and employees, st. and local, allowed to participate in fund, Secs. 36-27A-1, 36-27-A-3, 36-27A-5 am'd.

On motion of Senator Drinkard, the Resolution was adopted by the Senate.

Senators Campbell, Hale, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Joint Resolution, to-wit:

S. J. R. 69. COMMENDING THE CITY OF DECATUR AND BUCHEON CITY, REPUBLIC OF KOREA.

WHEREAS, with the assistance of Governor Guy Hunt and the Alabama Development Office, the City of Decatur in Morgan County, Alabama, and Bucheon City, Republic of Korea, have entered into a "sister city" relationship for the purpose of promoting stronger cultural ties, international friendship and mutual understanding; and

WHEREAS, this building of a foundation for lasting and friendly relations began in October 1987 with a visit by an Alabama delegation to Bucheon City, an event hosted by that city's Chamber of Commerce and Industries; a reciprocal visit in November of that year was then hosted by the Decatur Chamber of Commerce for a representative delegation from Bucheon City; and

WHEREAS, not only will such a harmonious relationship be of great and mutual benefit to these two cities, but will impact most favorably on the entire State of Alabama, and will be to the good of all people of the United States and The Republic of Korea through the promotion of tourism and stronger economic ties between these two nations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the City of Decatur, Alabama, and Bucheon City in The Republic of Korea, the Alabama Development Office and Governor Guy Hunt for their joint efforts in establishing a "sister city" relationship and bonds of friendship between the citizens of these two municipalities.

On motion of Senator Campbell, the Rules were suspended and the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Hilliard, B. I. R., S. B. 252, adopted.

Yeas 16; Nays 2.

Yeas:

Senators:	deGraffenried	Goodwin	Horn
Bennett	Drinkard	Hale	Langford
Bishop	Ellis	Hand	Manley
Cabaniss	Foshee	Hilliard	Smith (J)
Campbell			

Nays:

Senators: Amari

Corbett

—2

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 252. To amend the Alabama Trademark Act to include the registrability of business tradenames thereby creating an "Alabama Trademark and Tradename Act" by amending sections 8-12-6, 8-12-7, 8-12-8, 8-12-9, 8-12-14, 8-12-16, and 8-12-17 of the Code of Alabama 1975. Further to provide for transition provisions for existing trademarks and an effective date of January 1, 1989.

Senator Hilliard offered the following amendment to the Bill, S. B. 252, to-wit:

AMENDMENT TO S. B. 252

To amend S. B. 252 as follows:

Page 4, line 5 to read: "deceive. Such a mark may be registered when the prior registrant or assignee, or the previous user of the mark gives his written consent, and the parties identify by affidavit their respective separate geographic markets and state that neither plans to expand into the other's market."

Page 9, line 32 delete the word "counterfreed" and insert in lieu thereof the word "counter-freed".

Page 11, line 31 delete the word "porcelain" and insert in lieu thereof the word "porcelain".

Page 12, line 19 delete the word "mils" and insert in lieu thereof the word "milk".

Page 12, line 24 delete the word "bisuits" and insert in lieu thereof the word "biscuits".

Page 14, line 11 delete the word "shore" and insert in lieu thereof the word "shoe".

Page 14, line 19 delete the word "stationary" and insert in lieu thereof the word "stationery".

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:
Amari
Bedsole
Bennett
Bishop

Cabaniss
Campbell
Corbett
deGraffenried
Dial

Ellis
Foshee
Goodwin
Hale
Hand

Hilliard
Langford
Manley
Smith (B)

—18

Nays:

—0

And said Bill, S. B. 252, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Langford	
Amari	Covington	Hale	Manley	
Bennett	deGraffenried	Hand	Menton	
Bishop	Dial	Hilliard	Rice	
Cabaniss	Ellis	Horn	Smith (B)	—19

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Ellis, B. I. R., S. B. 320, adopted.

Yeas 18; Nays 1.

Yeas:

Senators:	Dial	Hand	Menton	
Bennett	Ellis	Hilliard	Rice	
Campbell	Foshee	Horn	Smith (B)	
Covington	Goodwin	Langford	Smith (J)	
deGraffenried	Hale	Manley		—18

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 320. To propose an amendment to the Constitution to provide that no bond, warrant or any other obligation of any county shall be considered a bond for the purposes of Section 222 of the Constitution of Alabama of 1901, as amended, nor shall any bond, warrant or any other obligation of any county be included in the indebtedness of such county within the meaning of any provision of Section 224 of the Constitution of Alabama of 1901, as amended, if any such bond, warrant or other obligation is issued to provide, improve or repair any public facilities or improvements (including, without limitation, roads, streets, sidewalks, sanitary sewers, storm water sewers, sewage treatment facilities, flood control facilities, seawalls, and lighting systems) specially benefiting, to any degree, one or more tracts or parcels of property if the cost of such public facilities or improvements is to be assessed, in whole or in part, against such property.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Manley	
Amari	Covington	Hale	Menton	
Barron	deGraffenried	Hand	Rice	
Bennett	Denton	Hilliard	Smith (B)	
Cabaniss	Drinkard	Horn	Smith (J)	
Campbell	Ellis			—21

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 106. COMMENDING JULIAN E. WALKER OF YORK, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H. J. R. 109. CONGRATULATING ELMORE COUNTY HIGH SCHOOL, ALABAMA'S 1987 4A FOOTBALL CHAMPIONS.

Also:

H. J. R. 114. COMMENDING COACH WILLIAM HAROLD CLARK OF C. F. VIGOR HIGH SCHOOL, PRICHARD, ALABAMA.

Also:

H. J. R. 115. COMMENDING THE VIGOR HIGH SCHOOL WOLVES AS OUR 1987 STATE 6A FOOTBALL CHAMPIONS.

Also:

H. J. R. 118. COMMENDING KARLENE FRAZIER FARMER, 1987 FIRST LADY OF MOBILE.

Also:

H. J. R. 120. COMMENDING HORACE W. HODGES OF TUSCALOOSA, ALABAMA.

Also:

H. J. R. 121. RELATIVE TO MEETING DAYS.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 337. Relating to Chambers County; authorizing the county commission to levy and collect an additional one percent sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection of such tax by

the state department of revenue; providing for distribution and use of the proceeds; prescribing penalties; fixing punishment for violation of this act providing that this tax shall self-destruct at the end of four years and providing for a referendum.

Also:

H. 174. Relating to Walker County; amending section 1 of Act No. 80-289, H. 655, 1980 Regular Session (Acts 1980, p. 404) relating to an additional allowance for election officials who work at polling places so as to increase the additional allowance.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Bennett, B. I. R., S. B. 106, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Langford	
Barron	Covington	Goodwin	Manley	
Bedsole	deGraffenried	Hale	Menton	
Bennett	Denton	Hand	Rice	
Cabaniss	Drinkard	Horn		—18

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 106. To amend Section 22-30-5.1, Code of Alabama 1975, as amended, to prohibit the siting or construction of any commercial hazardous waste treatment facility or disposal site in this state after December 31, 1988, until the select joint nuclear energy activities and hazardous chemical toxic waste oversight committee submits its written findings and recommendations regarding said proposed siting or construction and the legislature thereafter gives approval therefor by joint resolution; to require the hazardous waste committee to consider and include in said written report an evaluation of various criteria set forth herein; and it names the bill "The Hazardous Waste Control Amendment of 1988."

was taken up.

On motion of Senator Bennett, further consideration of the Bill, S. B. 106, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Hand, B. I. R., S. B. 149, adopted.

Yeas 18; Nays 1.

Yeas:

Senators:	Cabaniss	Goodwin	Langford	
Barron	Campbell	Hale	Menton	
Bedsole	deGraffenried	Hand	Rice	
Bennett	Drinkard	Hilliard	Smith (B)	
Bishop	Ellis	Horn		—18

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 149. To provide that any municipality having salt water beaches within its boundaries is authorized to patrol said beaches and to provide for enforcement of city ordinances and state laws.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 1.

Yeas:

Senators:	Campbell	Goodwin	Manley	
Amari	deGraffenried	Hale	Menton	
Barron	Denton	Hand	Parsons	
Bedsole	Drinkard	Horn	Rice	
Cabaniss	Foshee	Langford		—18

Nay: Senator Corbett —1

BUDGET ISOLATION RESOLUTION

Senator Bennett, B. I. R., S. B. 265, adopted.

Yeas 16; Nays 2.

Yeas:

Senators:	Campbell	Goodwin	Langford	
Barron	deGraffenried	Hale	Manley	
Bedsole	Denton	Hand	Menton	
Bennett	Drinkard	Horn	Smith (J)	
Cabaniss				—16

Nays:

Senators:	Amari	Parsons	—2
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BILLS ON THIRD READING RESUMED

THE BILL:

S. 265. To amend Section 26-14-9 of the Code of Alabama 1975, relating to immunity from civil or criminal liability for actions in matters of child

abuse or neglect, so as to provide further for such immunity; and to provide that no employee of a facility serving children may be subjected to reprisals because of actions in reporting abuse or neglect of a child.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 265, to-wit:

SUBSTITUTE FOR S. B. 265

A BILL TO BE ENTITLED AN ACT

To amend Section 26-14-9 of the Code of Alabama 1975, providing immunity from liability for actions relating to reporting child abuse, so as to specifically include members of a multidisciplinary child protection team as provided for in Sections 26-16-50 through 26-16-53 of the Code of Alabama 1975, as well as duly constituted authorities, and employees of a duly constituted authority; to increase the immunity of individuals and entities to include participation in the investigation of child abuse or neglect, casework and other matters related to child abuse or neglect; and to provide that no employee of a facility serving children may be subjected to reprisal or discharge because of his actions in reporting abuse or neglect of a child.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 26-14-9, Code of Alabama 1975, is hereby amended to read as follows:

“§26-14-9.

“Any person, firm, corporation to specifically include members of a multidisciplinary child protection team as provided for in Sections 26-16-50 through 26-16-53 of the Code of Alabama 1975, duly constituted authorities, and employees of a duly constituted authority or official participating in the making of a report, in an investigation authorized under this chapter, or in the removal of a child pursuant to this chapter, or participating in a judicial proceeding resulting therefrom, in casework related to child abuse or neglect, or participating in any other exercise of his duties related to child abuse or neglect shall, in so doing, be immune from any liability, civil or criminal, that might otherwise be incurred or imposed. Further, no employee of a facility serving children may be subjected to reprisal or discharge because of his action in reporting abuse or neglect of a child.”

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

REGULAR SESSION
7th Day

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Yeas 19; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Horn	
Barron	Covington	Goodwin	Langford	
Bedsole	deGraffenried	Hale	Manley	
Bennett	Denton	Hand	Menton	
Cabaniss	Dial	Holmes	Parsons	—19

Nays: —0

And said Bill, S. B. 265, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:	Covington	Hale	Manley	
Amari	deGraffenried	Hand	Menton	
Barron	Denton	Hilliard	Rice	
Bedsole	Drinkard	Holmes	Smith (B)	
Bennett	Ellis	Horn	Smith (J)	
Cabaniss	Goodwin	Langford		—22

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B. I. R., S. B. 281, adopted.

Yeas 20; Nays 1.

Yeas:

Senators:	Covington	Goodwin	Manley	
Barron	deGraffenried	Hale	Menton	
Bedsole	Denton	Hand	Rice	
Bennett	Drinkard	Holmes	Smith (B)	
Cabaniss	Ellis	Langford	Smith (J)	
Campbell				—20

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 281. Providing for nonprofit organizations in the state to purchase goods and services through the purchases and stores division of the department of finance, upon request, and purchase products and services offered by the correctional industries division of the department of corrections.

was taken up.

Senator Bedsole offered the following substitute for the Bill, S. B. 281, to-wit:

SUBSTITUTE FOR S. B. 281

A BILL TO BE ENTITLED AN ACT

Providing for nonprofit organizations in the state to purchase goods and services offered by the correctional industries division of the department of corrections.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Any nonprofit organizations operating in this state which have been granted an exemption under the provision of Title 40-18-32, Code of Alabama 1975, or approved by the federal internal revenue service may purchase goods and services offered by the correctional industries division of the department of corrections, provided the said goods are manufactured or produced by the department of corrections and the services are performed on the premises of the department of corrections.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Horn	
Amari	Covington	Goodwin	Langford	
Bedsole	deGraffenried	Hale	Manley	
Bennett	Denton	Hand	Menton	
Cabaniss	Drinkard	Holmes	Smith (J)	
Campbell				—20

Nays: —0

And said Bill, S. B. 281, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Holmes	
Amari	Covington	Figures	Langford	
Barron	deGraffenried	Goodwin	Manley	
Bedsole	Denton	Hale	Menton	
Bennett	Dial	Hand	Smith (B)	
Cabaniss	Drinkard	Hilliard	Smith (J)	—23

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Langford, B. I. R., S. B. 185, adopted.

Yeas 18; Nays 2.

Yeas:

Senators:	Covington	Figures	Langford	
Barron	deGraffenried	Goodwin	Menton	
Bennett	Denton	Hale	Smith (B)	
Cabaniss	Dial	Hand	Smith (J)	
Campbell	Drinkard	Holmes		—18

Nays:

Senators:	Amari	Bailey	—2
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BILLS ON THIRD READING RESUMED

THE BILL:

S. 185. To amend Sections 36-27A-1 and 36-27A-5, Code of Alabama 1975, so as to allow public officials or employees of the State of Alabama, or any political subdivision thereof, to participate in the Public Employees' Individual Retirement Account Fund and to provide for additional non-deductible contributions.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Langford	
Amari	Covington	Figures	Manley	
Barron	deGraffenried	Goodwin	Menton	
Bedsole	Denton	Hale	Smith (B)	
Cabaniss	Dial	Hand	Smith (J)	
Campbell	Drinkard	Holmes		—22

Nays: —0

ADJOURNMENT

At 3:14 P.M., on motion of Senator deGraffenried, in accordance with Motion and Joint Resolution heretofore adopted, the Senate adjourned until Thursday, February 25, 1988, at 10 o'clock A.M.

EIGHTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 25, 1988

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Mr. K. C. Thomaskutti, Principal, East Lawrence High School, Trinity, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Kim Hagler, Jeff Davis High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Foshee	Manley
Amari	Campbell	Goodwin	Menton
Bailey	Corbett	Hale	Parsons
Barron	Covington	Hand	Preuitt
Bedford	deGraffenried	Hilliard	Rice
Bedsole	Denton	Holmes	Smith (B)
Bennett	Dial	Horn	Smith (J)
Bishop	Dixon	Langford	

—30

JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JIM SMITH,
Vice Chairperson.

COMMITTEE REPORT

On motion of Senator Smith (J), the foregoing report was concurred in and the Journal of the Senate for the Seventh Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Drinkard, Ellis, Figures, Mitchem, and Sanders for today.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 94. To amend Code of Alabama 1975, §20-2-93, relating to seizure and forfeiture of property in controlled substances cases.

Also:

S. 252. To amend the Alabama Trademark Act to include the registrability of business tradenames thereby creating an "Alabama Trademark and Tradename Act" by amending sections 8-12-6, 8-12-7, 8-12-8, 8-12-9, 8-12-14, 8-12-16, and 8-12-17 of the Code of Alabama 1975. Further to provide for transition provisions for existing trademarks and an effective date of January 1, 1989.

Also:

S. 265. To amend Section 26-14-9 of the Code of Alabama 1975, providing immunity from liability for actions relating to reporting child abuse, so as to specifically include members of a multidisciplinary child protection team as provided for in Sections 26-16-50 through 26-16-53 of the Code of Alabama 1975, as well as duly constituted authorities, and employees of a duly constituted authority; to increase the immunity of individuals and entities to include participation in the investigation of child abuse or neglect, casework and other matters related to child abuse or neglect; and to provide that no employee of a facility serving children may be subjected to reprisal or discharge because of his actions in reporting abuse or neglect of a child.

Also:

S. 281. Providing for nonprofit organizations in the state to purchase goods and services through the purchases and stores division of the department of finance, upon request, and purchase products and services offered by the correctional industries division of the department of corrections.

JIM SMITH,
Vice Chairperson.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Holmes:

S. 448. To authorize the Department of Aeronautics to promulgate rules and regulations to limit the height of structures, objects of natural growth and use of property in the vicinity of public-use airports; to acquire by purchase or grant, air rights and other interests in land; and to provide penalties for violations of this act or of any ordinance regulation or rule made under the authority conferred herein.

Committee on Small Business.

By Senator Holmes:

S. 449. To provide that persons who are active and contributing members of the Teachers' Retirement System of Alabama and who served as a

School Bus Driver directly employed by a school system of the State of Alabama prior to the time that such service was extended the privilege of participating in said retirement system may purchase credit for up to five years for such service; and to provide that this act shall take effect October 1, 1988; and to provide for its termination on October 1, 1989.

Committee on Finance and Taxation.

By Senators Cabaniss and Bailey:

S. 450. To regulate the formation and operation of risk retention groups, whose primary activity consists of assuming and spreading the liability exposure of its members, by requiring that risk retention groups be licensed under the general liability insurance laws of Alabama; to restrict risk retention groups from providing insurance other than liability insurance; to provide for taxation of premiums; to prohibit deceptive or fraudulent practices; to prohibit certain acts regarding solicitation or sale of insurance by risk retention groups; to provide for notice and registration requirements of purchasing groups; to provide for penalties for violations by risk retention groups; and to authorize the commissioner of insurance to promulgate necessary rules and regulations for enforcement.

Committee on Banking and Insurance.

By Senator Barron (With Notice and Proof):

S. 451. Relating to Jackson County; to provide that public park board members may use public park facilities in lieu of expenses and compensation and to ratify and confirm all such prior use of such facilities in lieu of compensation.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 451, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Cabaniss, Bennett, and Amari:

S. 452. To exempt the Birmingham Art Association from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Senators Cabaniss, Bennett, and Amari:

S. 453. To exempt the Birmingham Botanical Society, Inc., from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Senators Cabaniss, Bennett, and Amari:

S. 454. To exempt Junior Achievement, Inc., from the payment of any state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Senators Corbett and Bailey:

S. 455. To provide for further income tax exemptions in Section 40-18-19, Code of Alabama 1975, as last amended, to certain classes of taxpayers

engaged in certain functions, so as to include certain income under the United States Foreign Service retirement and disability fund in such exemptions; to provide for the effective date January 1, 1986, and thereafter.

Committee on Finance and Taxation.

By Senators Bailey, Bennett, Preuitt, Manley, and deGraffenried:

S. 456. To further provide for Rural Healthcare Initiatives and for the efficient and effective use of health care resources by amending Sections 22-21-260, 22-21-261, 22-21-263, 22-21-264, 22-21-265, 22-21-266, 22-21-267, 22-21-268, 22-21-269, 22-21-270, 22-21-271, 22-21-272, 22-21-274, 22-21-275, and 22-21-276 of the Code of Alabama 1975, relating to the control, regulation and development of certain health care facilities, so as to delete the reference to federal regulations and Certificate of Need Reviews of equipment and services; and to further regulate such facilities and services; and to prohibit certain unlawful competition in trade by certain staff or employees of hospitals entering the home health care business and deriving names of patients by such employment.

Committee on Health.

By Senators Bishop, Goodwin, Campbell, Corbett, Bailey, Bennett, Amari, Horn, Langford, Foshee, Parsons, Covington, Menton, and Bedford:

S. 457. To amend portions of Title 27, chapters 2 and 13 Code of Alabama 1975, as amended, restructuring the office and compensation of, and certain powers, functions and responsibilities of the commissioner of insurance and the department of insurance, so as to make such commissioner an elected officer of the state and providing that the annual salary of such official shall be made similar to certain total compensation of certain public service commissioners; extensively revising the rate-making procedures and processes; making available to the public certain statistics, documents and data, involving certain insurance rates, requiring certain minimal data in the annual reports of insurers; providing further for the conduct of the hearing procedures and processes, notice and appeals incident thereto relating to rates; increasing certain misdemeanor penalties to felony offenses; any laws or part of laws in direct conflict herewith are repealed only to the extent there is a direct conflict with the provisions of this act; and the following sections of the Code of Alabama 1975, as amended, are further amended: Sections 27-2-2 and 27-2-4, Code of Alabama 1975, as amended, relating to the filling of the office and salary of the commissioner of insurance, so as to provide further therefor; and amending Section 27-3-26, relating to annual statements, so as to provide further therefor; amending Section 27-13-66, Code of Alabama 1975, as amended, relating to rates and rate-making organizations and statistical reporting, so as to prohibit the keeping of certain reasonable information from public scrutiny; amending Section 27-13-67, Code of Alabama 1975, as amended relating to filing of rate plans, and to provide for the effective date of any change; amending Section 27-13-68, Code of Alabama 1975, as amended, relating to orders, rules and regulations affecting rates and appeals therefrom, so as to provide further therefor; repealing Section 27-13-71, relating to alteration, supplementation, and amendment of rating plans; repealing Section 27-13-72, relating to applications for uniform percentage increases or decreases in rates by insurers; repealing Section 27-13-80, relating to notices, hearings, and orders of the commissioner; and by amending Sections 27-13-81 and 27-13-83, relating to rates, rating organizations, and notices, hearings, procedures for review of orders and penalties for violations of orders, so as to further provide for the

procedures, notice requirements, the bonding requirements; and increasing the penalties for violations to a felony crime.

Committee on Banking and Insurance.

By Senator Parsons (With Notice and Proof):

S. 458. Relating to Jefferson County; to amend further Section 22 of Act No. 248, H. 580, 1945 Regular Session (Acts 1945, p. 376), relating to dismissals, demotions and suspensions in civil service systems for certain counties classified on a population basis, so as to provide further for such dismissals, demotions and suspensions.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 458, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Parsons (With Notice and Proof):

S. 459. Relating to counties having a population in excess of 500,000 according to the most recent federal decennial census; to amend Section 1 of Act No. 81-752, H. 33, 1981 Regular Session, which relates to the compensation of certain election officials so as to increase their compensation.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 459, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Preuitt, Foshee, Dial, Manley, Bedsole, Barron, Hale, Covington, Cabaniss, Dixon, Bishop, Hand, and Holmes:

S. 460. Proposing an amendment to the Constitution of Alabama of 1901, to restrict lobbying activities of any chairman of a state political party.

Committee on Governmental Affairs.

The above Bill was read a first time at length as required by the Constitution.

By Senators Bedsole and Barron:

S. 461. To amend Sections 22-21-20 and 22-21-27 of the Code of Alabama 1975, relating to licensing of hospitals, nursing homes and other health care institutions so as to include hospices; and to provide further for the advisory board.

Committee on Health.

By Senators Bedsole and Barron:

S. 462. To amend Sections 22-21-20 and 22-21-27 of the Code of Alabama 1975, relating to licensing of hospitals, nursing homes and other

health care institutions so as to include home health agencies; and to provide further for the advisory board.

Committee on Health.

By Senator Bedsole:

S. 463. To amend Section 41-9-341, Code of Alabama 1975, which relates to reimbursement of expenses of members of the USS Alabama Battleship Commission from funds of the commission, so as to allow members to be reimbursed for actual expenses incurred.

Committee on Finance and Taxation.

By Senator Hilliard (With Notice and Proof):

S. 464. Relating to Jefferson County; requiring the county commission to make certain office space provisions in the new Jefferson County Sheriff's Headquarters building located at Eighth Avenue and 22nd Street, North, in the City of Birmingham for certain personnel in the sheriff's department.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 464, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Barron and Amari:

S. 465. To add to the powers of the State Industrial Development Authority by amending existing statutes governing the State Industrial Development Authority at Sections 41-10-20, 41-10-26, and 41-20-27, so as to authorize grants for infrastructures, to provide for matching grants and to permit contributions toward such grants, to permit adoption of guidelines for grants, and to set limits and conditions for the issuance of bonds; to make legislative findings with respect to the need for additional powers of the State Industrial Development Authority; to provide definitions of certain terms; to grant additional powers to the Authority, including the power to issue notes, bonds and other forms of obligations for the purpose of financing industrial and commercial projects; to provide for the source of payment and security for such obligations; to provide for the means of execution of such obligations and for general provisions respecting the form, interest rate, maturity, sale and negotiability of such obligations; to declare that obligations of the Authority shall be legal investments; to provide for the use and disposition of the proceeds from the sale of obligations of the Authority and the revenues and receipts derived from project financings; to permit the issuance of refunding obligations; to provide for the publication of notice for the purpose of validating obligations of the Authority; to provide that the Authority, all income and property of the Authority and obligations issued by the Authority shall be exempt from taxation in the State of Alabama; to provide for exemptions from the usury and interest laws and the competitive bid laws of the State of Alabama; to provide that the Authority shall be free from the supervision and control of the State, except that the Authority shall be subject to audit by the Examiners of Public Accounts; to provide that the earnings of the Authority shall not inure to the benefit of any individual, firm or corporation; to expand further the powers of the Authority by providing for a method of allocating the "state ceiling" and authorizing the Authority to provide for the method of filing

applications for allocations of a portion of the "State ceiling" made by the Authority applicable to tax-exempt bonds; to establish expiration and reversion dates for allocations of "State ceiling" and conditions subsequent to such allocations; to allocate the entire "State ceiling" to the State, subject to redistribution by the Authority; to reserve certain portions of the "State ceiling" for the use and benefit of Alabama Housing Finance Authority and Alabama Higher Education Loan Corporation; to provide for the allocation of portions of the "State ceiling" to issuers of small issue bonds for manufacturing facilities and for exempt facility bonds and for the allocation of a portion of the "State ceiling" at the discretion of the Authority; to impose certain limitations upon allocations made by the Authority to local issuers of affected bonds; to provide a procedure for carryforward allocations; and to designate the President of the Authority as the State official authorized to make certain certifications required under the Internal Revenue Code of 1986, as amended.

Committee on Governmental Affairs.

By Senators Amari and Parsons:

S. 466. To provide for the reopening of the Employees' Retirement System of Alabama to those employees who were members of the Employees' Retirement System of Alabama on June 1, 1986, and who have prior employment with counties in Alabama for which they were ineligible to gain credit.

Committee on Finance and Taxation.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Assistant State Adjutant General.

Respectfully submitted,
JAMES F. REDDOCH, JR.
Executive Secretary.

Done this 23rd day of February, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Brigadier General, Line, James E. Moore as Assistant State Adjutant General.

Respectfully submitted,
GUY HUNT,
Governor.

Done this 23rd day of February, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment as Assistant State Adjutant General, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Blake, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghy:

H. J. R. 140. COMMENDING LISA DELAINE DICKMANN OF SPRINGVILLE, ALABAMA, "MISS ST. CLAIR COUNTY."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Smith (J), the Rules were suspended and the Resolution, H. J. R. 140, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Butler:

H. J. R. 133. INVITING FORMER GOVERNOR WILLIAM F. WINTER OF MISSISSIPPI TO ADDRESS THE LEGISLATURE.

WHEREAS, the Honorable William F. Winter, former Governor of the State of Mississippi, is the author of an extremely well written and thought provoking pamphlet entitled, "Halfway Home and a Long Way to Go"; and

WHEREAS, this compelling public policy document, which serves as a blueprint for economic development for the Southern States, details ten precise, regional objectives to be targeted and sought by Alabama and her sister states; and

WHEREAS, the Alabama Legislature would deem it an honor for Governor Winter to address this body and to elaborate on the common goals and interests we share as a region and also seek as a springboard for economic advancement for Alabama and all citizens thereof; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most respectfully request the Honorable William F. Winter of Mississippi to address the Legislature on March 1, 1988, at 2:00 p.m., and that we convene in joint session at that hour to hear Governor Winter's remarks.

BE IT FURTHER RESOLVED, That Governor Winter, by copy of this resolution, be advised of our invitation to address the Legislature and of our hopeful anticipation of his acceptance.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Rice, the Rules were suspended and the Resolution, H. J. R. 133, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Venable:

H. J. R. 135. COMMENDING JESSE ADAMS, FOR DISTINGUISHED SERVICE WITH THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.

Also:

By Rep. Gaston:

H. J. R. 139. COMMENDING MRS. NELLIE SMITH OF MOBILE FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Smith (J), the Rules were suspended and the Resolutions, H. J. R.'s 135 and 139, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Turner:

H. J. R. 127. COMMENDING THE DIVISION OF MARINE RESOURCES, DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Smith (J), the Rules were suspended and the Resolution, H. J. R. 127, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Hogan:

H. J. R. 128. CONGRATULATING MRS. NORA LILLIAN LAMON ON THE OCCASION OF HER 90TH BIRTHDAY.

Also:

By Rep. Layson:

H. J. R. 132. CONGRATULATING MR. AND MRS. VICTOR KYLES ON THE OCCASION OF THEIR 25TH WEDDING ANNIVERSARY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Smith (J), the Rules were suspended and the Resolutions, H. J. R.'s 128 and 132, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. White (L) (With Notice and Proof):

H. 437. Relating to Tallapoosa County; providing for the mode of construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county commission to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county commission in relation to the roads, highways, bridges and ferries of Tallapoosa County; prohibiting the performance of certain work on private property; providing civil fines for violations; and providing for an effective date.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 437, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 437—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McKee, Mikell, Blakeney, Headley, Payne, Wright, Butler, Marks, Venable, Carter, Junkins, and Hamilton:

H. 172. To provide that a contract for surrogate motherhood shall be absolutely null, void, and unenforceable as contrary to public policy.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 172—to the Committee on Health

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hogan (With Notice and Proof):

H. 399. Relating to Walker County; approving an increase of the three mill district ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901 by eight mills to eleven mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such additional eight mill tax to be levied and collected by the governing body of Walker County for each year beginning with the levy for the tax year ending September 30, 1989 (the tax for which year will be due and payable October 1, 1989), and ending with the levy for the tax year ending September 30, 1997 (the tax for which year will be due and payable October 1, 1997), for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first

submitted to the vote of the qualified electors of the Walker County School District (consisting of all of Walker County except the City of Carbon Hill and the City of Jasper school districts), in said County at a special election called and held in accordance with the laws governing special elections.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 399, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 399—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson (RW):

H. 203. To amend Sections 34-36-3, 34-36-4, 34-36-6 and 34-36-13 relating to electrical contractors, so as to authorize the board of electrical contractors to regulate and license certain master and journeyman electricians and to contract for an executive secretary.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 203—to the Committee on Small Business

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Adams:

H. 94. To amend Sections 27-3-28, 27-7-1, 27-7-2, 27-7-3, 27-7-4, 27-7-5, 27-7-6, 27-7-7, 27-7-8, 27-7-9, 27-7-10, 27-7-11, 27-7-13, 27-7-14, 27-7-16, 27-7-17, 27-7-18, 27-7-19, 27-7-28, 27-7-29, 27-7-30, 27-7-31, 27-7-33, 27-7-34 and to repeal Section 27-7-26 of the Code of Alabama 1975, relating to property, casualty and surety insurance representatives and exceptions to

execution of contracts through a countersigning resident agent so as to further regulate such representatives, to allow certain insurance agencies to be licensed and to provide further for such exceptions.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 94—to the Committee on Small Business

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hill:

H. 62. To amend Section 41-8-2, Code of Alabama 1975, relating to the board of the Alabama public library service, so as to increase the membership of the board.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 62—to the Committee on Governmental Affairs

RESOLUTIONS

Senator Goodwin offered the following Senate Resolution, to-wit:

S. R. 70. REPLACEMENT OF BRIDGE IN DALLAS COUNTY.

Which was read and referred to the Standing Committee on Rules.

Senators Cabaniss, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Joint Resolution, to-wit:

S. J. R. 71. HONORING THE RIGHT REVEREND FURMAN CHARLES STOUGH FOR SERVICE TO THE EPISCOPAL CHURCH AND TO THE DIOCESE OF ALABAMA.

WHEREAS, the Right Reverend Furman Charles Stough, Diocesan of Alabama, is a native of Montgomery, where he was a member of Saint John's Parish, and is a graduate of the University of the South with the B.A., B.D. and D.D. degrees; and

WHEREAS, he was ordained to the Diaconate and to the Priesthood in 1955 and to the Episcopacy in 1971; he served parishes in Alabama and Okinawa, and was the Rector of Saint John's, Decatur, before his consecration as Bishop and service since 1971 as Bishop of Alabama; and

WHEREAS, during Bishop Stough's tenure, the Diocese has grown and developed to recognition as one of the leading Dioceses in the National Church community, and his guidance and leadership are accepted and acknowledged as instrumentalities in the vigorous growth in new parishes and the number of communicants in his jurisdiction; and

WHEREAS, Bishop Stough has recently announced his intention to resign as Bishop of Alabama to accept a call by the Most Reverend Edmond Lee Browning, Presiding Bishop of the United States, to become Senior Executive for Mission Planning/Strategy, Vice President of the Executive Council and Executive Director of the Presiding Bishop's Fund for World Relief, and is anticipated to assume these offices at the Episcopal Church Center in New York City in October, 1988; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the Diocese of Alabama in expressing appreciation to the Right Reverend Furman Charles Stough for his many years of service to the Lord and for his productive leadership as Diocesan of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Bishop Stough that he may know of our appreciation of his accomplishments and of our prayers as he enters the challenges of his new call to service.

On motion of Senator Cabaniss, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Blakeney, Mikell, Breedlove, Moon, McKee, Penry, and Hooper:

H. 201. To amend Section 33-5-13, Code of Alabama 1975, relating to the term of certain certificates and licenses issued by the marine police division of the department of conservation and natural resources, so as to provide for a staggered vessel registration system.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 201—to the Committee on Agriculture, Conservation, and Forestry

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Layson (With Notice and Proof):

H. 550. Relating to Pickens County; authorizing the county commission to levy an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; providing for the implementation and expiration of this act; and providing for a referendum.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 550, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 550—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Zoghby:

H. 215. To amend Section 11-50-342 of the Code of Alabama 1975, relating to the membership of the board of water and sewer commissioners so as to provide further for an increase in said membership.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 215—to the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Freeman:

H. 22. To amend Section 39-2-2 of the Code of Alabama 1975, so as to require at least twenty-one (21) consecutive days bid preparation and advertisement time for all proposed public works projects.

Also:

By Rep. Freeman:

H. 29. To amend Sections 39-6-1 and 39-6-2 of the Code of Alabama 1975, relating to the construction of public buildings with radioactive fallout protection so as to exempt those buildings having a basic type of construction less than that considered economically suitable for inclusion of fallout shelter space.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 22 and 29—to the Committee on Governmental Affairs

MOTION IN WRITING

Senator deGraffenried offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 295, on page 14 of the 8th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 295, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORTS OF COMMITTEES

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Goodwin:

S. 8. To exempt from all state, county or local ad valorem taxes and from all state, county or local sales and use taxes all property owned and used by the Selma-Dallas County Historic Preservation Society.

By Senator Ellis:

S. 159. To further amend Section 36-27-51, Code of Alabama 1975, as amended, reopening the Employees' Retirement System of Alabama for

certain municipal employees on a certain date, so as to add certain employees of political subdivisions thereof; to prescribe eligibility therefor and the payment for certain creditable service.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Barron, Bedford, Mitchem, Dial, Amari, Bishop, Bedsole, Hand, Langford, Dixon, Hale, Ellis, Cabaniss, Campbell, Denton, and Menton (With Amendment):

S. 247. To create and establish the Handicapped Citizens Hall of Fame for the purpose of honoring persons making certain contributions for the betterment of the lives of handicapped American citizens; to provide for a board of directors for such Hall of Fame; to prescribe the manner of appointment of such board members; to provide for reimbursement of the actual and necessary expenses of the members of such board and to make appropriation from the general fund for such Hall of Fame.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Langford, Manley, and Horn:

S. 304. To authorize and provide the procedure for employees of certain counties, cities and towns and members of the legislature to be covered under the state employees' health insurance plan; to provide for the payment of the premiums for employees and their dependents and members of the legislature and their dependents; to provide for the termination of coverage under this act; and to require the state employees' insurance board to promulgate rules and regulations as may be required for the effective administration of the provisions of this act.

By Senator Ellis:

S. 332. To create a district judgeship for the judicial district comprised of Shelby County.

By Senator Hale:

S. 345. To provide for the exchange of sales tax information with the federal government and other states' agencies with which the State of Alabama has a reciprocal exchange arrangement.

By Senator Smith (J):

S. 400. To create additional circuit and district judgeships and provide certain appropriations.

By Senators Cabaniss, Manley, Preuitt, Denton, and deGraffenried:

S. 412. Proposing an amendment to the Constitution of Alabama authorizing the investment of the trust capital and trust income of the Alabama Trust Fund and the Alabama Heritage Trust Fund in the same manner as authorized by law for the investment of funds of the Employees' Retirement System of Alabama and the Teachers' Retirement System of Alabama, and

providing that any capital gains taken on the sale of any securities shall become a part of the trust capital of the Alabama Heritage Trust Fund or the Alabama Trust Fund, respectively.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Dillard and Marks:

H. 171. Authorizing and empowering industrial development authorities that own and utilize properties having airport facilities to exercise those powers granted to airport authorities under Section 4-3-11 of the Code of Alabama 1975.

Senator Preuit, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Figures:

S. 100. To provide that the Judicial Inquiry Commission's investigative and litigation costs shall be paid out of the funds appropriated annually to the court costs fund or funds; and to provide for repayment of any refunded or recaptured amounts to the court cost fund or general fund.

By Senator Manley:

S. 138. To amend Sections 12-3-9 and 13A-5-53, Code of Alabama 1975, which provide for appellate review and appeals from death sentence cases and from post conviction writs involving such cases, so as to provide that said appeals shall be to the Alabama supreme court; to provide that the Alabama supreme court shall amend the Alabama Rules of Appellate Procedure to accommodate and reflect the provisions of this act; to provide for the scope of repeal of certain conflicting laws; and to provide for an effective date.

By Senator Smith (J):

S. 175. To amend Section 22-50-22, Code of Alabama 1975, which exempts the superintendent of, or a physician of, the mental health board from being a witness in certain cases, so as to permit depositions to be taken by the plaintiffs, defendants or the state or the superintendent or any physician of a state mental health facility or hospital in criminal and civil proceedings, upon proper notice.

By Senator Smith (J):

S. 179. To amend Section 15-22-27, Code of Alabama 1975, to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole shall serve a sentence of life imprisonment without parole if his death sentence is so commuted by the Governor.

By Senators Preuit, Mitchem, Holmes, Denton, Rice, Menton, Barron, Cabaniss, Foshee, Smith (J), Manley, Hand, Bailey, Dixon, Covington, Dial, Hale, Bedsole, Drinkard, Bishop, Goodwin, and Campbell:

S. 302. Relating to implied warranties which apply to the sale of new residential real estate and the waiver and relinquishment of such in certain situations; to provide the intent of the legislature regarding this Act; to provide that a purchaser of new residential real property, which shall include

the sale and purchase of any improvements on such real property, shall have the right and ability to agree and state in writing that such transaction shall not be subject to any implied warranties, including any implied warranty of fitness and habitability; to provide language which will be legally sufficient to express the intention that such transaction will not be subject to any implied warranties, including the implied warranty of fitness and habitability; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

By Senators Prewitt and Dixon:

S. 303. To amend Rule 4 and Rule 5 of the Rules of Criminal Procedure of the Rules of Alabama Supreme Court relating to diagnostic evaluation and mental health examination and disclosure of the presentence, diagnostic and mental health reports; so as to provide for alcohol and drug abuse examinations and reporting.

By Senators Bedsole and Dixon:

S. 312. To provide that any law enforcement officer acting in good faith and exercising due care in the making of an arrest pursuant to a domestic relations disturbance shall be immune from any civil liability.

By Senators Bedsole and Dixon:

S. 311. To amend Sections 30-5-2 through 30-5-10, Code of Alabama 1975, which provides for the "Protection from Abuse Act," so as to provide further for the definitions and protective orders for the purposes of preventing domestic abuse; provides for court jurisdiction and venue; provides for court hearings for petitions for relief; provides for the contents and the issuance of protective orders; and provides penalties for violations of protective orders.

By Senators Bedsole and Dixon:

S. 313. To amend Section 15-10-3, Code of Alabama 1975, which provides the circumstances under which a law enforcement officer may arrest without a warrant, so as to provide that a law enforcement officer may arrest without a warrant in certain domestic abuse cases and when an officer has reasonable grounds to believe that a warrant for the person's arrest has been issued in this state.

By Senator Hale:

S. 347. To amend Section 41-4-57, Code of Alabama 1975, to delete the requirement that the statement of expenses of state officers and employees be notarized.

By Senator Manley:

S. 378. To authorize the legislative council to employ technical assistants including legal counsel in certain instances and to provide for the manner of compensating said persons.

By Senators Foshee, Holmes, Covington, Hale, Dial, Bailey, and Bedsole:

S. 388. Relating to primary elections; providing for a single ballot primary; permitting qualified electors to vote without regard to party affiliation; and specifically repealing Section 17-16-4, Code of Alabama 1975, relating to certain laws applicable to primary elections.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Preuitt, Holmes, Corbett, Foshee, Goodwin, and Bedsole (With Substitute):

S. 392. To amend Section 41-16-27, Code of Alabama 1975, relating to competitive bids, so as to delete the provision relating to the awarding of a negotiated contract after bids have been opened and to require a residential preference to certain Alabama firms and products.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Walker:

H. 33. To amend Section 15-18-8 of the Code of Alabama 1975, so as to allow the judge presiding over the case with the advice and consent of the commissioner of the Alabama department of corrections, to sentence convicted defendants to certain disciplinary and rehabilitation programs of the department; to provide for the administration of such programs; to provide that benefits of the Alabama correctional incentive time act or any similar program shall not apply to any minimum period of confinement ordered pursuant to this section and to allow the court to retain jurisdiction to suspend sentence and place a defendant on probation after such defendant begins serving a minimum term of confinement under the provision of subsection (a).

By Rep. Box:

H. 151. To amend Section 12-14-5, Code of Alabama 1975, which Section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which Section relates to appeals to the circuit court from judgments of municipal courts; to establish an effective date.

By Reps. Hall, Butler, Haynes, Flowers, Turner, and Freeman:

H. 481. To amend Section 17-22-5 of the Code of Alabama 1975, relating to filing certain statements under the state corrupt practices statutes, so as to provide further for the candidates required to file such statements.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Corbett, Menton, Holmes, and Campbell:

S. 88. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of social work examiners as provided in Sections 34-30-1 through 34-30-58, Code of Alabama 1975, with certain modifications; to amend Sections 34-30-27, 34-30-33, 34-30-50, 34-30-51 and 34-30-57, Code of Alabama 1975, so as to provide further for the grandfather clause; to

provide penalties for unlawful practices; to limit terms of office to 2 consecutive terms; and to specify board rules be adopted pursuant to administrative procedures law.

By Senators Corbett, Menton, Holmes, and Campbell:

S. 89. Relating to the Alabama Sunset Law; to continue the existence and functioning of the liquefied petroleum gas board as provided in Sections 9-17-100 through 9-17-110, Code of Alabama 1975, with certain modifications; to amend Sections 9-17-101, 9-17-103 and 9-17-105, Code of Alabama 1975, so as to limit board members to two (2) consecutive terms of office; to specify rules and regulations of the board be adopted in accordance with state administrative procedure statutes; and to modify insurance requirements.

By Senators Corbett, Menton, and Campbell:

S. 90. Amending section 41-20-3, Code of Alabama 1975, relating to enumerated agencies pursuant to the state sunset statutes for periodic review of state agencies, boards, councils, departments and bureaus, so as to add the renamed and expanded Alabama plumbers and gas fitters examining board created by section 34-37-2, Code of Alabama 1975, to the list of enumerated agencies, and to delete a reference to the board of medical technicians examiners, which board has been previously terminated.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Corbett, Menton, Holmes, and Campbell (With Substitute):

S. 91. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of funeral service as provided in Sections 34-13-1 through 34-13-152, Code of Alabama 1975, with certain modifications; to amend Sections 34-13-20, 34-13-23, 34-13-26, 34-13-29, 34-13-56, 34-13-70, 34-13-90, 34-13-111, 34-13-132 and 34-13-134, Code of Alabama 1975, so as to: limit board members to two (2) consecutive terms of office; to require the board's rules and regulations be promulgated pursuant to the state administrative procedure statutes; to limit board members' travel and per diem allowances; to remove the board's continuing appropriation; to remove the requirement that chairman approves expenditures; to provide for communicable disease notification; to provide for disciplinary action for intoxication by alcoholic beverages and gross negligence in embalming human bodies; to allow reasonable examination fees by the board; to delete references to "branches" of funeral establishments; and to require operators to report on their license renewal dates.

Senator deGraffenried, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Sentors Figures and deGraffenried:

S. 427. To create a Black Heritage Museum of West Alabama at Stillman College; to create a repository of source materials on Black history and culture; and to provide for the authority to receive certain available funds.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Ellis:

S. 331. To authorize advance payments for the expenses of members and employees of local boards of education and to prescribe the methods for such advance expenditures.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senators Manley, Dial, Bedsole, Cabaniss, Hale, Hand, and Smith (B)
(With Amendments):

S. 195. Relating to the improvement of the quality of the public elementary and secondary education system in the state; to make certain legislative findings; to create a Twenty-First Century Advisory Commission on Education, the members of which shall be appointed by the Governor, to monitor, provide assistance and make recommendations to the Governor and the Legislature with respect to the implementation of this act and education in general; to create for each city and county board of education in the state a Public School Improvement Committee, the members of which shall be appointed by the Twenty-First Century Advisory Commission on Education with the assistance of each city or county board of education, to assess the quality of education in the public schools under the jurisdiction of each city and county board of education and identify specific goals for improving education at the local level; to repeal Chapter 6 of Title 16 of the Code of Alabama 1975, which created the Alabama Education Study Commission; to establish an accreditation system for all city and county boards of education and all public elementary and secondary schools in the state which is based upon the satisfaction of specific guidelines and minimum performance standards established for such purpose by the State Board of Education, to provide for the intervention by the State Superintendent of Education in the operation of the public schools under the jurisdiction of a city or county board of education which does not meet the guidelines and minimum performance levels for accreditation; to provide for the development and implementation by the State Board of Education of a plan, based on specific standards to be adopted by the State Board of Education, for the evaluation of teacher education programs offered by all institutions of higher education in the state; to provide for the adoption by the State Board of Education of additional program approval standards applicable to all teacher education programs in the state; to amend Chapter 23 and Chapter 3 of Title 16 of the Code of Alabama 1975, to provide for the administration of the National Teachers' Examination as a requirement for initial certification of teachers, the issuance of conditional teaching certificates to those persons who fail to achieve a qualifying score on the National Teachers' Examination, the implementation of a program of remediation for such persons, the adoption of regulations by the State Board of Education under which such persons may become fully certified as teachers, issuance of the extraordinary teaching certificates under certain circumstances, and the revocation or suspension of a teaching certificate for just cause; to repeal Section 16-6A-10 of the Code of Alabama 1975, which provided for the employment of provisionally certified teachers in critical needs areas; to provide for the

development or selection, validation and implementation by the State Board of Education of a basic skills examination to be taken by each student applying for admission to a teacher education program offered by an institution of higher education in the state, and the development or selection and the validation of special teaching examinations, designed to measure the cognitive teaching area competencies desired for initial job assignments in the public elementary and secondary schools in the state; to provide for the development by the State Board of Education of instruments to be utilized in evaluating new teachers and prospective teachers in the state; to provide for the adoption of regulations by the State Board of Education, requiring that each teacher in the state be evaluated at least three times during his or her first year of employment by a representative of the employing city or county board of education; to provide for the development by the State Board of Education of a plan for the evaluation of teachers in the state and an incentive plan for teachers based upon performance as measured under such teacher evaluation plan; to repeal Chapter 24A of Title 16 of the Code of Alabama 1975, which established the performance-based career incentive program; to provide for the adoption by the State Board of Education of a comprehensive plan, utilizing the results of pilot programs, for in-service and professional development of teachers in the state; to provide for the design, implementation and monitoring by the State Board of Education of a pilot program to determine the optimum teacher-pupil ratios for promoting academic achievement in the public elementary and secondary schools in the state; to provide for the development by the State Board of Education, in cooperation with public institutions of higher education in the state and leaders in high technology business and industry, of a long-range plan utilizing the results of a pilot program, for the utilization of advanced technology teaching aides in the public elementary and secondary schools in the state; to increase the minimum number of work days required of teachers in the state during each scholastic year to 190 by July 1, 1991; to provide for the development and implementation by the State Board of Education of a pilot incentive grant program to recognize public elementary and secondary schools in the state exhibiting exceptional or improved performance in promoting or maintaining high levels of academic achievement; to provide for the assessment of the instructional leadership qualities and the management capabilities of persons being considered for initial appointment as elementary or secondary school principals in the state; to provide for the adoption by the State Board of Education of criteria and minimum performance standards for the evaluation of principals, the development and implementation by the State Board of Education of an incentive program for principals based upon performance as measured by such criteria and minimum performance standards, and the establishment by the State Board of Education of a program pursuant to which persons demonstrating outstanding potential as principals may be identified and given the opportunity to serve as apprentice principals in selected elementary and secondary schools in the state; to provide for the development and implementation by the State Board of Education of a statewide early childhood development plan utilizing the results of a pilot program; to provide for the development and implementation by the State Board of Education of a statewide plan, utilizing the results of a pilot program, for providing educational and related services for students in the public schools who are at risk of school failure; to provide for the adoption of regulations by the State Board of Education requiring minimum periods of instructional time to be devoted to the fundamental areas of reading, English, mathematics, science, history, geography and computer skills; to provide for the adoption of a complete, valid and reliable student assessment program by the State Board of Education; to amend Section 16-13-50 of

the Code of Alabama 1975, to provide that appropriations for vocational and special education shall not become a part of the minimum program fund for education, but shall be distributed on the basis of the actual cost of those vocational and special education programs; to amend Section 16-13-51 of the Code of Alabama 1975, to provide for the inclusion of maintenance and instructional materials in the calculation of the cost of the minimum program and to increase the minimum school term to 180 days by the beginning of the scholastic year commencing July 1, 1991; to amend Section 16-13-140 of the Code of Alabama 1975, to extend, from October 1 to October 31 of each year, the date by which each city and county board of education is required to submit its budget to the State Superintendent of Education; and to create a Division of Educational Accountability within the state department of finance which shall assimilate and analyze the information that each city and county board of education is required to provide with respect to specific areas of the educational program in each public school under its jurisdiction.

Senator Cabaniss, Vice Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Higginbotham, Walker, Hammett, McMillan, Butler, Headley, Carothers, Freeman, Campbell, Laird, Parker, Grouby, Carter, White (F), Flowers, Hogan, Logan, Johnson (RW), Box, Harper, Cosby, Richardson, Harvey, Mikell, Blakeney, Breedlove, Thomas, Penry, Haynes, Beasley, Adams, Venable, Crow, Fuller, Ford, Junkins, Williams, Hettlinger, Zoghby, White (L), Seibels, McKee, Hooper, Rains, Spratt, Gray, Marks, Britnell, Payne, Wright, Goodwin, Holley, Lindsey, Dillard, Hill, Starkey, Curry, Knight, Moon, Layson, Kvalheim, Mathis, Marietta, Biddle, Clark (J), Blake, Faulk, Warren, Willis, Frazier, Bryant, Black, Petelos, Perdue, Turner, Kennedy, Escott, Turnham, Bugg, Bowling, White (G), Rogers, Newton, Buskey (JE), Reed, Buskey (JL), Poole, Johnson (RG), and Gaston:

H. 417. Relating to state deposits, to create the 1988 George Wallace, Jr., Plan of Linked Deposits; to provide for legislative intent and purpose; to provide for definitions; to authorize the state treasurer to use a certain percentage of state funds for the Plan; to authorize the treasurer to enter into agreements with participating lending institutions of this state whereby the state makes deposits with participating lending institutions at rates of interest lower than the prevailing market rates of interest in return for the commitment of the lending institution to lend equal amounts of funds to eligible agricultural and business borrowers at similarly reduced rates of interest with the objective of stimulating agriculture and business and preserving or creating jobs for Alabama citizens; to establish criteria for qualifying for such low interest loans; to provide for amounts and terms of such loans; to provide for the pricing of such linked deposits and the loans upon which they are based; to provide for application forms and procedures for such loans; to require annual reporting by the treasurer to the legislature regarding the Plan; and to specifically terminate the Plan September 30, 1991, unless the legislature extends it.

By Senator Smith (J):

S. 329. To amend Sections 27-14-6, 27-15-5 and 27-15-19, Code of Alabama, 1975, the Alabama Insurance Code, to provide that a summary of

an application may be attached to a life or disability insurance policy or an annuity contract and when a summary of the application is so attached the policy and summary shall constitute the entire contract between the parties.

By Senator Smith (J):

S. 351. To amend Sections 27-3-28, 27-7-1, 27-7-2, 27-7-3, 27-7-4, 27-7-5, 27-7-6, 27-7-7, 27-7-8, 27-7-9, 27-7-10, 27-7-11, 27-7-13, 27-7-14, 27-7-16, 27-7-17, 27-7-18, 27-7-19, 27-7-28, 27-7-29, 27-7-30, 27-7-31, 27-7-33, 27-7-34 and to repeal Section 27-7-26 of the Code of Alabama 1975, relating to property, casualty and surety insurance representatives and exceptions to execution of contracts through a countersigning resident agent so as to further regulate such representatives, to allow certain insurance agencies to be licensed and to provide further for such exceptions.

By Senator Covington:

S. 386. To amend section 27-3-27, Code of Alabama 1975, relating to licensing of insurance agents, solicitors or brokers of insurance by insurers, so as to establish requirements and standards for continuing education programs for such persons in Alabama and to provide certain exceptions.

By Senator Manley:

S. 439. Relating to the administration of common trust funds, which amends Title 5, Chapter 12A, Code of Alabama 1975, by adding a new Section 5-12A-16 so as to provide that if any investment made in good faith by a trust institution is deemed imprudent or improper, then in any subsequent assessment of damages against the trust institution with respect to such investment, losses resulting from the investment shall be offset by gains from proper investments derived by the fund during the period under examination to the extent that the fund as a whole has achieved a reasonable return; to provide a definition of "reasonable return"; to provide for severability of the provisions of this Act; to provide for repeal of conflicting laws; and to provide for an effective date.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Menton (With Amendment):

S. 314. To authorize the Bureau of Vital Statistics to collect certain statistical data relating to the termination of pregnancies at any stage without identifying the patient by name; to require certain facilities and physicians to report the required data; and to provide for penalties.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Rice:

S. 198. Relating to the annual renewal of licenses of registered foresters; to amend Section 34-12-8 of the Code of Alabama 1975, so as to eliminate the three months' grace period in which to renew the forester's license after the expiration thereof on the thirtieth day of September of each year.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Bedsole and Hale (With Substitute):

S. 309. Proposing an amendment to the Constitution of 1901, relating to the promotion of forestry and fire protection on forest property within this state; providing funds for the administration of such forestry program hereby enacted on a state-wide basis; providing for the levying, collecting, and distribution of charges, fees or assessments for costs; allowing certain local laws heretofore enacted providing for similar local forest fire protection and assessment programs to be repealed, replaced or superceded; all depending upon ratification by the voters of this amendment.

The above Bill was read a second time at length as required by the Constitution.

By Senators Bedsole and Hale (With Substitute):

S. 310. To levy an assessment on forest lands for forest fire protection and prevention and to provide for penalties for violations.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hale:

S. 330. To provide for the conservation of the natural resources of the State; designating the caves and caverns of the State and the flora, fauna, mineral deposits and formations therein as worthy of preservation, protection and development for scenic, scientific, recreational, business and commercial purposes; protecting the rights of property owners and the general public in caves; to provide for liability for certain acts, to prohibit vandalism and pollution; to designate certain acts relative to caves and their contents as criminal offenses and to prescribe penalties therefor.

By Senators Mitchem and Bedsole:

S. 417. To amend section 2-27-9, Code of Alabama 1975, which provides for registration of pesticides and for appealing the action of the commissioner in refusing to register a pesticide by increasing registration fees from \$15 per year to \$50 per year and to provide a delinquent penalty of \$50; to provide for registration of special local needs pesticides.

By Senators Mitchem and Bedsole:

S. 418. To amend §2-27-11, Code of Alabama (1975), which provides for issuance of permits to purchase restricted use pesticides; to delete the requirement that said permits list the restricted use pesticides authorized to be purchased by the permit holder.

By Senators Mitchem and Bedsole:

S. 430. Notwithstanding any other penalty, to allow the Commissioner of Agriculture and Industries to impose civil penalties or fines after a hearing

thereon for violations of Chapters 27 and 28 of Title 2, Code of Alabama (1975), and any regulations promulgated thereunder; to restrict the penalty to an amount not to exceed \$10,000 to any one person, firm, association or corporation, for an incident, or incidents arising out of the same transaction with maximum guidelines for said fines and penalties to be adopted by the State Board of Agriculture and Industries; to provide for appeals or review of the Commissioner's action to be heard by the State Board of Agriculture and Industries and that judicial review of the action of the State Board of Agriculture and Industries shall be as provided by the Alabama Administrative Procedures Act.

Senator Rice, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Sanders:

S. 414. To amend Section 13A-6-60, Code of Alabama 1975, so as to remove the exemption from criminal responsibility of the spouse for rape and redefine the term "female" which excludes married victims.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith (J) (With Notice and Proof):

S. 173. Relating to the Twenty-third Judicial Circuit; to amend Act No. 86-341, S. 567, 1986 Regular Session, which provides for the retirement of circuit judges, so as to provide further for such retirement and to repeal Act No. 799, S. 619, 1977 Regular Session.

By Senator Smith (J) (With Notice and Proof):

S. 233. Relating to Madison County; providing a certain county supplement to the salary of each supernumerary court reporter in the Twenty-third Judicial Circuit payable from the county treasury.

By Senator Smith (J) (With Notice and Proof):

S. 315. Relating to Madison County; providing for county supplement paid to court reporters in the Twenty-third Judicial Circuit to be on a percentage of compensation paid by the State of Alabama to court reporters payable from the county treasury.

By Senator Ellis (With Notice and Proof):

S. 322. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Wilton, in Shelby County.

By Senator Ellis (With Notice and Proof):

S. 341. Relating to Shelby County; to authorize the creation of public library districts in certain areas of Shelby County; to prescribe conditions and procedures relative to the creation of such districts; to prescribe the organization, rights and powers of such districts; to prescribe limitations on such rights and powers; to provide for the levying of certain service charges; to repeal all conflicting statutes and to provide referendums.

RESOLUTIONS

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 72. COMMENDING MR. J. E. MITCHELL, JR., OF HUNTSVILLE, ALABAMA.

Also:

S. R. 73. COMMENDING MARTHA BURGER OF ATHENS, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Which were filed.

BUDGET ISOLATION RESOLUTION

Senator Amari moved that the B. I. R., S. B. 2, be adopted.

Senator Smith (J) offered a substitute motion that the B. I. R. and the Bill, S. B. 2, be postponed until the Ninth Legislative Day.

Senator Bedford asked for a division of the question: Should the motion to postpone be a motion to postpone the B. I. R. or the Bill?

The President and Presiding Officer of the Senate ruled that the motion to postpone should be a motion to postpone the B. I. R.

Senator Smith (J) then offered a substitute motion that the B. I. R., for the Bill, S. B. 2, be postponed until the Ninth Legislative Day.

Senator Amari moved that the substitute motion to postpone be laid on the table, which motion was lost.

Yeas 3; Nays 19.

Yeas:

Senators:	Amari	Bedford	Langford	—3
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Nays:

Senators:	Campbell	Dixon	Manley	
Bailey	Covington	Foshee	Menton	
Bedsole	deGraffenried	Hale	Preuitt	
Bennett	Denton	Hand	Smith (B)	
Cabaniss	Dial	Horn	Smith (J)	—19

The question recurred on the substitute motion of Senator Smith (J), that the B. I. R. for the Bill, S. B. 2, be postponed until the Ninth Legislative Day, which motion was adopted.

Therefore, the Bill, S. B. 2, was postponed because the B. I. R. for S. B. 2 was postponed.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 74. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking

precedence over all other matters upon reaching bills on third reading for the eighth legislative day of the 1988 Regular Session only:

Inst Id	Page
S. 145	27
Municipalities and pub. corp. created pursuant to Title 11, Chapter 50, prohibited from duplicating services of waterworks, Sec. 11-50-1.1 am'd.	
S. 203	33
Hazardous waste disposal sites, public officials must declare interest in, penalties.	
S. 429	36
Boll Weevil Eradication Foundation, approp.	
S. 184	10
Legislature, capitol police officers assigned to—.	
S. 98	8
Public warehouses, insurance and bonding requirements, Secs. 8-15-7 and 8-15-10 am'd.	
S. 279	8
Insurance, mandates conversion rights for cert. persons under group health policy upon death of insured person.	
S. 290	20
Institute for Deaf and Blind, auth. to estab. a register of blind persons, Sec. 21-1-16 am'd.	
S. 364	31
Real prop., sold for delinquent taxes, redemption period redefined, Sec. 40-10-120 am'd.	
S. 207	22
Signs, removal of signs lawfully erected along right-of-way, compensation, Sec. 23-1-280 am'd.	
S. 291	21
District Attys. Inquiry Commission, estab.	
S. 256	20
Legal Services Liability Act, established, limitation on actions against attorneys.	
S. 204	31
Eye Foundation, Inc., tax exemption.	

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S. 326 21

Parolees, violation of parole, time for holding without warrant extended, Sec. 15-22-31 am'd.

S. 306 13

Liquefied Petroleum Gas Bd., Secs. 9-17-100, 9-17-101, 9-17-102, 9-17-104 thru 9-17-109 am'd.

S. 97 14

Public school systems, personnel vacancy notice to be posted.

S. 7 9

Highway Dept. self-insurance program fund, funds transferred from St. Road and Bridge Fund.

S. 66 8

Banking, bank trust depts. auth. to list trust funds as pledge of assets for security, Sec. 5-5A-28 am'd.

S. 128 6

Municipalities estab. self-funded liability insurance for protection for member municipalities.

S. 47 18

Pipeline facilities transporting hazardous liquids facilities used in the liquification of natural gas, Public Service Commission to reg.

H. 193 34

Physicians, out of state, auth. to practice temporarily, Sec. 34-24-74 am'd.

On motion of Senator Smith (J), the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Foshee, B. I. R., S. B. 145, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	Covington	Foshee	Parsons	
Barron	deGraffenried	Hand	Preuitt	
Bedford	Denton	Manley	Rice	
Bennett	Dial	Menton	Smith (B)	
Campbell	Dixon			—17

Nay: Senator Corbett —1

SPECIAL ORDER

BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 145. To amend section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain

waterworks systems, so as to also prohibit public corporations or entities created or operating pursuant to sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating such services.

And said Bill, S. B. 145, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:	Bishop	Dial	Menton	
Amari	Cabaniss	Dixon	Preuitt	
Bailey	Campbell	Foshee	Rice	
Bedford	Corbett	Holmes	Smith (B)	
Bedsole	Covington	Langford	Smith (J)	
Bennett	deGraffenried	Manley		—22

Nays: —0

MOTION TO ADJOURN

Senator Manley moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, March 1, 1988, at 1:30 P.M., which motion was adopted.

RESOLUTIONS

Senators Foshee and Covington offered the following Senate Resolution, to-wit:

S. R. 75. URGING THE SEARCH COMMITTEE FOR THE POSITION OF CHANCELLOR OF THE ALABAMA DEPARTMENT OF POSTSECONDARY EDUCATION TO CONSIDER AN ALABAMIAN.

Which was adopted.

Senators Parsons and Campbell offered the following Senate Joint Resolution, to-wit:

S. J. R. 76. URGING THE STATE BOARD OF EDUCATION AND THE GOVERNOR TO FILL CABINET AND KEY APPOINTMENTS WITH ALABAMIANS.

WHEREAS, the Alabama Legislature is proud of all of our citizens and recognizes the many intelligent, prosperous and talented natives who have written success stories with their lives; and

WHEREAS, our great State of Alabama is blessed to have these citizens who live, work, pay taxes and raise God-fearing children who grow up to love Alabama and work for the betterment of her citizens; and

WHEREAS, Governor Guy Hunt and the State Board of Education have many appointments and openings to consider; and

WHEREAS, the Alabama Legislature is sad to note that many gubernatorial cabinet and key appointees, to high paying and responsible positions, have been persons from other states, and the State Board of Education is considering the post-secondary chancellor's position and some of these finalists are from states in the northeast and other regions of the country; and

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WHEREAS, the Alabama Legislature believes Alabamians are just as talented, educated, "refined and cultured" as any other citizens of our nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do strongly urge the Governor, the State Board of Education and all other departments of State government to fill key appointments to cabinet-level, council, commission and other state authorities or agencies, and the deputy assistants with qualified and competent Alabamians, and that Alabamians be given first consideration of employment by all departments of state.

BE IT FURTHER RESOLVED, That we do urge that the presidents of all two-year colleges be native Alabamians who are qualified and competent for their posts.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent forthwith to Governor Guy Hunt and to the State Board of Education so that they may know of our petition.

Which was read and referred to the Standing Committee on Rules.

BUDGET ISOLATION RESOLUTION

Senator Bedford, B. I. R., S. B. 203, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	Cabaniss	Hale	Preuitt
Bedford	Campbell	Hand	Rice
Bedsole	deGraffenried	Horn	Smith (B)
Bennett	Dial	Langford	Smith (J)
Bishop	Dixon		

—17

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 203. To require elected public officials and their employees and certain other persons who have any financial interest in any commercial hazardous waste disposal site in the state of Alabama to file an annual statement of such financial interest with the Secretary of State and to provide penalties for the noncompliance with this act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Campbell	Hale	Menton
Amari	Corbett	Hilliard	Preuitt
Bedford	Covington	Holmes	Rice
Bennett	deGraffenried	Langford	Smith (B)
Bishop	Dial	Manley	Smith (J)
Cabaniss	Dixon		

—21

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Barron, B. I. R., S. B. 429, adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Bishop	Dial	Manley	
Bailey	Cabaniss	Hale	Menton	
Barron	Campbell	Hand	Preuitt	
Bedford	Covington	Holmes	Rice	
Bedsole	deGraffenried	Langford	Smith (J)	
Bennett	Denton			—21

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 429. To appropriate from the General Fund the sum of \$700,000 during the fiscal year 1987-1988, to the Department of Agriculture and Industries Agricultural Development Services program which sum shall be allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:	Bishop	Denton	Manley	
Bailey	Cabaniss	Dial	Menton	
Barron	Campbell	Dixon	Preuitt	
Bedford	Corbett	Hale	Rice	
Bedsole	Covington	Hand	Smith (J)	
Bennett	deGraffenried	Holmes		—22

Nays: —0**RESOLUTION**

Senators Parsons and Campbell offered the following Senate Joint Resolution, to-wit:

S. J. R. 77. URGING THE STATE BOARD OF EDUCATION AND THE GOVERNOR TO FILL CABINET AND KEY APPOINTMENTS WITH ALABAMIANS.

WHEREAS, the Alabama Legislature is proud of all of our citizens and recognizes the many intelligent, prosperous and talented natives who have written success stories with their lives; and

WHEREAS, our great State of Alabama is blessed to have these citizens who live, work, pay taxes and raise God-fearing children who grow up to love Alabama and work for the betterment of her citizens; and

WHEREAS, Governor Guy Hunt and the State Board of Education have many appointments and openings to consider; and

WHEREAS, the Alabama Legislature notes that many gubernatorial cabinet and key appointees, to high paying and responsible positions, have been persons from other states, and the State Board of Education is considering the post-secondary chancellor's position and some of these finalists are from states in the northeast and other regions of the country; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do strongly urge the Governor, the State Board of Education and all other departments of State government to fill key appointments to cabinet-level, council, commission and other state authorities or agencies, and the deputy assistants with qualified and competent Alabamians, and that Alabamians be given first consideration of employment by all departments of state.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent forthwith to Governor Guy Hunt and to the State Board of Education so that they may know of our petition.

Which was read and referred to the Standing Committee on Rules.

BUDGET ISOLATION RESOLUTION

Senator Menton, B. I. R., S. B. 184, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Hale	Menton	
Bailey	deGraffenried	Hand	Preuitt	
Bedsole	Denton	Holmes	Smith (B)	
Bennett	Dial	Langford	Smith (J)	
Bishop	Goodwin	Manley		—18

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 184. Relating to capitol police officers to be assigned to the legislature; to provide that the director of finance shall assign one capitol police officer to each house of the legislature on a full-time basis and he shall assign one additional capitol police officer to each house of the legislature when the legislature is in session; to provide for the reimbursement of costs by the legislature quarterly; and to provide for the supervision of the police officers so assigned.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Covington	Hand	Menton	
Bailey	deGraffenried	Hilliard	Preuitt	
Bedsole	Denton	Holmes	Smith (B)	
Bennett	Foshee	Langford	Smith (J)	
Bishop	Goodwin	Manley		—18

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bishop, B. I. R., S. B. 98, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	Denton	Hand	Menton	
Bailey	Dial	Hilliard	Preuitt	
Bedsole	Dixon	Langford	Smith (B)	
Bennett	Foshee	Manley	Smith (J)	
Bishop	Goodwin			—17

Nay: Senator Corbett —1

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 98. To amend §8-15-7, Code of Alabama (1975), which provides for insurance and bonding requirements for public warehouses so as to allow a bond equivalent in lieu of a bond in the form of cash or government bonds; to amend §8-15-10, which provides civil penalties for operating a public warehouse without being licensed, from civil penalties to a Class "B" misdemeanor.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Manley	
Bailey	Covington	Hand	Menton	
Bedsole	deGraffenried	Hilliard	Preuitt	
Bennett	Denton	Holmes	Smith (B)	
Bishop	Dixon	Langford	Smith (J)	
Cabaniss	Foshee			—21

Nays: —0

MOTION IN WRITING

Senator Cabaniss offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 72, on page 11 of the 8th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 72, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RECESS

At 12 o'clock Noon, on motion of Senator Manley, the Senate took a recess until 1:30 this afternoon.

The recess period having expired, at 1:30 P.M., the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

BUDGET ISOLATION RESOLUTION

Senator Bailey, B. I. R., S. B. 279, adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Menton	
Bailey	Covington	Hale	Preuitt	
Barron	deGraffenried	Hilliard	Rice	
Bedsole	Dial	Holmes	Smith (B)	
Cabaniss	Dixon	Manley	Smith (J)	—19

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 279. To mandate conversion rights for an employee or a member or their surviving spouse or children under a group policy delivered or issued for delivery in this state which provides hospital, surgical or major medical expense insurance or any combination thereof, when said employee or member dies or when said group employee or member's insurance has been terminated for any reason excluding (a) nonpayment of any required contribution by said member or employee, or (b) replacement of any discontinued group coverage with similar group coverage within 31 days; to prescribe certain benefit levels and the scope of coverage to be contained within the converted policy; to allow optional insurance coverage in the converted policy; to allow for reduction of coverage in the converted policy due to Medicare coverage or coverage under any other state or federal law providing for benefits similar to those provided by the converted policy; to determine the amount and payment of the premium for the converted policy; to allow for optional group coverage in lieu of the issuance of a converted individual policy and to allow an insurer to request certain information in advance of the date any premium is due for said converted policy.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Covington	Foshee	Manley	
Bailey	deGraffenried	Hale	Menton	
Barron	Denton	Hilliard	Preuitt	
Bedsole	Dial	Holmes	Smith (B)	
Cabaniss	Dixon	Langford	Smith (J)	
Campbell				—20

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Preuitt, B. I. R., S. B. 290, adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Barron	Covington	Hale	Menton	
Bedsole	deGraffenried	Hilliard	Preuitt	
Bennett	Dial	Holmes	Rice	
Cabaniss	Dixon	Langford	Smith (J)	—19

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 290. To amend Section 21-1-16, Code of Alabama 1975, relating to a register of blind persons, so as to require certain medical and health providers and certain governmental agencies to inform the Alabama Institute for Deaf and Blind of all cases of blindness; to require said Institute to create and provide a register form and to publish an annual report; to provide for the confidentiality of said form and to grant certain civil and criminal immunity to persons who report information pursuant to this act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	deGraffenried	Hilliard	Menton	
Bedsole	Dial	Holmes	Preuitt	
Bennett	Dixon	Horn	Rice	
Cabaniss	Foshee	Langford	Smith (B)	
Campbell	Hale	Manley	Smith (J)	—19

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Holmes, B. I. R., S. B. 364, adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	deGraffenried	Hilliard	Menton	
Barron	Denton	Holmes	Preuitt	
Bedsole	Dial	Horn	Rice	
Bennett	Dixon	Langford	Smith (B)	
Cabaniss	Foshee	Manley	Smith (J)	
Campbell	Hale			—21

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 364. To amend Section 40-10-120, Code of Alabama 1975, as amended, to redefine the date of commencement for the three year redemption period

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for real estate sold for taxes, as that date the property sells in front of the courthouse door.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Covington	Hilliard	Menton	
Bailey	deGraffenried	Holmes	Preuitt	
Barron	Denton	Horn	Rice	
Bennett	Dial	Langford	Smith (B)	
Cabaniss	Hale	Manley	Smith (J)	—19

Nays: —0

FURTHER CONSIDERATION OF S. B. 102

The Senate proceeded to further consideration of the Bill:

S. 102. To provide for the investment of the ad valorem taxes collected by the ad valorem tax officials of this State, to provide for the distribution of interest on such investment, to establish a fund out of a portion of the interest on said investments for the use of said officials, and to specify certain uses and restrictions on the use of said fund.

having been postponed subject to the call of the Chair on the Sixth Legislative Day.

Senator Rice offered the following amendment to the Bill, S. B. 102, to-wit:

AMENDMENT TO S. B. 102

Amend S. B. 102 on page 2, Section 2, line 25 by adding the following new sentence:

Further, such funds may not be used for travel and educational expenses outside the state of Alabama.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Campbell	Hale	Menton	
Bailey	Covington	Hilliard	Preuitt	
Barron	deGraffenried	Holmes	Rice	
Bedford	Denton	Langford	Smith (B)	
Bennett	Dial	Manley	Smith (J)	
Cabaniss	Dixon			—21

Nays: —0

Senator Parsons offered the following amendment to the Bill, S. B. 102, as amended, to-wit:

AMENDMENT TO S. B. 102, AS AMENDED

Amend Senate Bill No. S. 102 Page 2 Line 25, by inserting after the word body, this fund shall expire in two years.

Which was adopted.

Yeas 16; Nays 2.

Yeas:

Senators:	Campbell	Foshee	Menton	
Bailey	Covington	Horn	Parsons	
Barron	Dial	Langford	Preuitt	
Bedsole	Dixon	Manley	Smith (B)	
Cabaniss				—16

Nays:

Senators:	Bennett	deGraffenried	—2
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And said Bill, S. B. 102, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Covington	Foshee	Parsons	
Bailey	deGraffenried	Horn	Preuitt	
Bennett	Denton	Langford	Smith (B)	
Cabaniss	Dial	Manley	Smith (J)	
Campbell	Dixon	Menton		—18

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 197. Relating to alcoholic beverages; to provide for business relations between suppliers and wholesalers of beer; to require written agreements setting forth in full the supplier's agreement with the wholesaler, and designating a specific exclusive sales territory; to provide for prohibited acts by the supplier and by the wholesaler; to provide for conditions of amendment, modification, resignation, cancellation, termination, failure to renew or refusal to continue said agreement; to provide for the transfer of wholesaler's business, for the establishment of non-discriminatory, material and reasonable qualifications and standards by supplier, and prohibit interference with the transfer upon compliance with those standards; to provide for reasonable compensation upon supplier's violation of the act, including method of voluntary arbitration; to provide for civil actions for violations, damages and venue; to provide for the burden of proof; to provide that the wholesaler may not waive rights set forth in this act; to provide that the act relates to existing and future agreements, transferee of wholesaler continuing under written agreement, and supplier's successor; and to provide that this act is cumulative.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Buskey (JE):

H. 46. To amend Section 13A-6-60, Code of Alabama 1975, so as to remove the exemption from criminal responsibility of the spouse for rape and redefine the term "female" which excludes married victims.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 46—to the Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 127. COMMENDING THE DIVISION OF MARINE RESOURCES, DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.

Also:

H. J. R. 128. CONGRATULATING MRS. NORA LILLIAN LAMON ON THE OCCASION OF HER 90TH BIRTHDAY.

Also:

H. J. R. 132. CONGRATULATING MR. AND MRS. VICTOR KYLES ON THE OCCASION OF THEIR 25TH WEDDING ANNIVERSARY.

Also:

H. J. R. 133. INVITING FORMER GOVERNOR WILLIAM F. WINTER OF MISSISSIPPI TO ADDRESS THE LEGISLATURE.

Also:

H. J. R. 135. COMMENDING JESSE ADAMS, FOR DISTINGUISHED SERVICE WITH THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.

Also:

H. J. R. 139. COMMENDING MRS. NELLE SMITH OF MOBILE FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

Also:

H. J. R. 140. COMMENDING LISA DELAINE DICKMANN OF
SPRINGVILLE, ALABAMA, "MISS ST. CLAIR COUNTY."JOHN W. PEMBERTON,
Clerk.**SIGNING OF RESOLUTIONS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., S. B. 207, adopted.

Yeas 20; Nays 0.

Abstaining 1.

Yeas:

Senators:	Cabaniss	Dial	Manley	
Bailey	Campbell	Dixon	Menton	
Barron	Covington	Foshee	Parsons	
Bedford	deGraffenried	Horn	Preuitt	
Bedsole	Denton	Langford	Smith (B)	
Bennett				—20

Nays: —0*Abstaining:* Senator Smith (J) —1**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 207. To further amend Section 23-1-280 of the Code of Alabama 1975, as amended, which section relates to just compensation for the removal of signs, so as to clarify the original legislative intent to require the payment of just compensation whenever a removing authority removes or alters, or causes the removal or alteration of, a lawfully erected sign along any public street or highway.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Abstaining 1.

Yeas:

Senators:	Bennett	Dial	Manley	
Amari	Cabaniss	Dixon	Menton	
Bailey	Campbell	Foshee	Parsons	
Barron	Covington	Holmes	Preuitt	
Bedford	deGraffenried	Horn	Smith (B)	
Bedsole	Denton	Langford		—22

Nays: —0*Abstaining:* Senator Smith (J) —1

RESOLUTION

Senator Parsons offered the following Senate Joint Resolution, to-wit:

S. J. R. 78. URGING THE STATE BOARD OF EDUCATION AND THE GOVERNOR TO FILL CABINET AND KEY APPOINTMENTS WITH ALABAMIANS.

WHEREAS, the Alabama Legislature is proud of all of our citizens and recognizes the many intelligent, prosperous and talented natives who have written success stories with their lives; and

WHEREAS, our great State of Alabama is blessed to have these citizens who live, work, pay taxes and raise God-fearing children who grow up to love Alabama and work for the betterment of her citizens; and

WHEREAS, Governor Guy Hunt and the State Board of Education have many appointments and openings to consider; and

WHEREAS, the Alabama Legislature notes that many gubernatorial cabinet and key appointees, to high paying and responsible positions, have been persons from other states, and the State Board of Education is considering the post-secondary chancellor's position and some of these finalists are from states in the northeast and other regions of the country; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do strongly urge the Governor, the State Board of Education and all other departments of State government to fill key appointments to cabinet-level, council, commission and other state authorities or agencies, and the deputy assistants with qualified and competent Alabamians, and that Alabamians be given first consideration of employment by all departments of state.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent forthwith to Governor Guy Hunt and to the State Board of Education so that they may know of our petition.

On motion of Senator Parsons, the Rules were suspended and the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Dial, B. I. R., S. B. 291, adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Campbell	Dixon	Manley
Amari	Covington	Foshee	Menton
Bailey	deGraffenried	Holmes	Preuitt
Barron	Denton	Horn	Smith (B)
Bennett	Dial	Langford	Smith (J)
Cabaniss			

—20

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 291. Proposing an amendment to the Constitution of Alabama of 1901, establishing a district attorneys' inquiry commission which shall conduct

investigations into complaints concerning district attorneys; creating a court of district attorneys to hear complaints filed by the commission; and creating a district attorneys' canon promulgating committee to promulgate canons of ethics for district attorneys.

was taken up.

Senator Dial offered the following substitute for the Bill, S. B. 291, to-wit:

SUBSTITUTE FOR S. B. 291

A BILL TO BE ENTITLED AN ACT

Proposing an amendment to the Constitution of Alabama of 1901, establishing a district attorneys' inquiry commission which shall conduct investigations into complaints concerning district attorneys; creating a court of district attorneys to hear complaints filed by the commission; and creating a district attorneys' canon promulgating committee to promulgate canons of ethics for district attorneys.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of 1901 as amended:

PROPOSED AMENDMENT

I. (a) A district attorneys' inquiry commission is created consisting of seven members. The circuit judges' association shall appoint two judges of the circuit court as members of the commission. The governor shall appoint one person who is not a lawyer, and the governing body of the Alabama state bar shall appoint one member of the state bar to serve as members of the commission. The district attorneys' association shall appoint three district attorneys as members of the commission. The commission shall select its own chairperson. The terms of the members of the commission shall be four years, and no member shall serve more than two terms consecutively. A vacancy on the commission shall be filled for a full term in the manner the original appointment was made.

(b) The commission shall be convened permanently with exclusive authority to conduct investigations, and to receive or initiate complaints concerning any district attorney. As used in this article, district attorney is defined as the district attorney in each judicial circuit, the elected deputy district attorney of the tenth judicial circuit (the Bessemer Cut-off), and all the deputies and assistants employed by the district attorney who are licensed to practice law. Part-time assistants are included within the definition only to the extent of their actions and inactions connected with their capacities and duties as assistant district attorneys. The commission shall file a complaint with the court of district attorneys in the event that a majority of the members of the commission decide that a reasonable basis exists: (1) to charge a district attorney with violation of any canon of district attorneys' ethics, misconduct in office, or failure to perform his or her duties, or (2) to charge that the district attorney is physically or mentally unable to

perform his or her duties. All proceedings of the commission shall be confidential except the filing of a complaint with the court of district attorneys. The commission shall prosecute the complaints.

(c) The supreme court shall adopt rules governing the procedures of the commission.

(d) The commission shall have subpoena power and authority to appoint and direct its staff. Members of the commission shall receive necessary expenses only. The funds for the operation of the commission shall be paid by the Office of Prosecution Services.

II. (a) The court of district attorneys is created consisting of one judge of an appellate court, who shall be selected by the supreme court and shall serve as chief judge of the court of district attorneys; one judge of the circuit court, who shall be selected by the circuit judges' association; one member of the state bar, who shall be selected by the governing body of the Alabama state bar, and two district attorneys who shall be selected by the district attorneys' association. The terms of the members of the court shall be four years, and no member shall serve more than two terms consecutively. A vacancy on the court shall be filled for a full term in the manner the original appointment was made. The court shall be convened to hear complaints filed by the district attorneys' inquiry commission. The court shall have exclusive authority, after notice and public hearing (1) to remove from office, suspend without pay, or censure a district attorney, or to suspend or revoke the law license of a district attorney, or to apply such other sanction as may be prescribed by law, for violation of a canon of district attorneys' ethics, misconduct in office, or failure to perform his or her duties; or (2) to suspend with or without pay, or to place on supernumerary status, if available, a district attorney who is physically or mentally unable to perform his or her duties. Nothing contained in this amendment shall prevent any district attorney, who is not an elected public official, from being discharged from employment as a district attorney by the hiring or appointing authority; nor shall anything contained herein create any retirement right not otherwise provided under state law.

(b) A district attorney aggrieved by a decision of the court of district attorneys may appeal to the supreme court. The supreme court shall review the record of the proceedings on the law and the facts.

(c) The supreme court shall adopt rules governing the procedures of the court of district attorneys.

(d) The court of district attorneys shall have power to issue subpoenas. The Office of Prosecution Services shall pay for the expenses of the court.

III. A district attorney shall be disqualified from acting as a district attorney, without loss of salary, while there is pending (1) an indictment or an information charging him or her in the United States with a crime punishable as a felony under a state or federal law, or (2) a complaint against him or her filed by the district attorneys' inquiry commission with the court of district attorneys.

IV. The district attorneys' canon promulgating committee is created consisting of three circuit judges, who shall be selected by the circuit judges' association; two members of the state bar, who shall be selected by the governing body of the Alabama state bar; three people who are not lawyers, who shall be selected by the governor; six district attorneys, who shall be selected by the district attorneys' association and one assistant attorney

general, who shall be selected by the attorney general. The committee shall select its own chairperson. The terms of the members of the committee shall be six years. A vacancy on the committee shall be filled for a full term in the manner the original appointment was made. The committee shall promulgate canons of ethics expressing the standards of professional conduct required of district attorneys, and may amend those canons from time to time thereafter. The Office of Prosecution Services shall pay for the expenses of the committee.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, primary or constitutional amendment election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Section 4. The provisions of this act shall be effective immediately upon ratification by the people and the Governor thereafter shall proclaim this amendment as required by law.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Manley	
Amari	Campbell	Foshee	Menton	
Bailey	Covington	Hilliard	Preuitt	
Barron	deGraffenried	Holmes	Smith (B)	
Bedford	Denton	Horn	Smith (J)	
Bennett	Dial	Langford		—22

Nays: —0

And said Bill, S. B. 291, as thus amended by the substitute, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Manley	
Amari	Campbell	Foshee	Menton	
Bailey	Covington	Hilliard	Preuitt	
Barron	deGraffenried	Holmes	Smith (B)	
Bedford	Denton	Horn	Smith (J)	
Bennett	Dial	Langford		—22

Nays: —0

FURTHER CONSIDERATION OF S. B. 106

The Senate proceeded to further consideration of the Bill:

S. 106. To amend Section 22-30-5.1, Code of Alabama 1975, as amended, to prohibit the siting or construction of any commercial hazardous waste treatment facility or disposal site in this state after December 31, 1988, until the select joint nuclear energy activities and hazardous chemical toxic waste oversight committee submits its written findings and recommendations regarding said proposed siting or construction and the legislature thereafter gives approval therefor by joint resolution; to require the hazardous waste committee to consider and include in said written report an evaluation of various criteria set forth herein; and it names the bill "The Hazardous Waste Control Amendment of 1988."

having been postponed subject to the call of the Chair on the Seventh Legislative Day.

The Standing Committee on Health reported the following amendment No. 1 to the Bill, S. B. 106, to-wit:

AMENDMENT NO. 1 TO S. B. 106

Amend S. B. 106 on page 3, Section 2(c), lines 11-16, by striking after the words ~~approval therefor~~ the following:

"until the select joint nuclear energy activities and hazardous chemical toxic waste oversight committee submits to both houses of the legislature its written report and recommendations regarding the proposed siting or construction of said facility and the legislature thereafter gives approval therefor by joint resolution."

and inserting in lieu thereof, the following

"until: (1) a written proposal or application addressing the items found in subsection (d) (1)-(7) of this Act is submitted by the applicant wishing to construct such facility for review to the select joint nuclear activities and hazardous chemical toxic waste oversight committee, and; (2) said committee, upon due consideration of said application, presents to both houses of the legislature its written report and recommendations regarding the proposed siting or construction of said facility, and; (3) the legislature thereafter gives approval therefor by joint resolution."

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley
Amari	Covington	Hilliard	Menton
Bailey	deGraffenried	Holmes	Preuitt
Barron	Denton	Horn	Smith (B)
Bennett	Dial	Langford	Smith (J)
Cabaniss	Dixon		

—21

Nays:

—0

The Standing Committee on Health then reported the following amendment No. 2 to the Bill, S. B. 106, as amended, to-wit:

AMENDMENT NO. 2 TO S. B. 106, AS AMENDED

Amend S. B. 106, page 4, line 32, by inserting the following new Section 5:

"Section 5. The provisions of this act are to be construed in *pari materia* with the provisions of the Southeast Interstate Low-Level Radioactive Waste Management Compact, S 22-32-1 et. seq., Code of Alabama 1975. If any provision of this act shall be held to be inconsistent with any provision of said Compact, the provisions of said Compact shall govern."

Further amend S. 106 by striking the number "5" on page 4, line 32, and substituting in lieu thereof the number "6".

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Amari	Covington	Hilliard	Menton	
Bailey	deGraffenried	Holmes	Preuitt	
Barron	Denton	Horn	Smith (B)	
Bennett	Dial	Langford	Smith (J)	
Cabaniss	Dixon			—21

Nays: —0

And said Bill, S. B. 106, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Bennett	Denton	Horn	
Amari	Cabaniss	Dial	Langford	
Bailey	Campbell	Dixon	Manley	
Barron	Corbett	Foshee	Menton	
Bedford	Covington	Hilliard	Smith (B)	
Bedsole	deGraffenried	Holmes	Smith (J)	—23

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B. I. R., S. B. 256, adopted.

Yeas 20; Nays 1.

Abstaining 1.

Yeas:

Senators:	Cabaniss	Dixon	Langford	
Bailey	Campbell	Foshee	Manley	
Barron	Covington	Hilliard	Menton	
Bedford	deGraffenried	Holmes	Rice	
Bedsole	Denton	Horn	Smith (B)	
Bennett				—20

Nay: Senator Amari —1

Abstaining: Senator Hale —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 256. To establish "The Alabama Legal Services Liability Act"; to define certain terms; to create one form of action and one cause of action against any legal service providers to be known as a Legal Service Liability Action which shall exclusively govern any and all actions for injury or damage against a legal service provider; to establish the standards of care applicable to a legal service provider in a Legal Service Liability Action and to require that the plaintiff shall have the burden of proving that the legal service provider violated the applicable standard of care; to establish a limitation on the time for the commencement of a Legal Service Liability Action; to provide a procedure for the settlement of disputes by arbitration; to provide that advance payments shall not constitute an admission of liability and that any such payments in excess of the award are not repayable; to provide that the rules of evidence unless specifically changed shall remain the same; to provide for the effect of compliance with or violation of the rules of professional conduct; to provide a procedure for the severance of and for the separate resolution of the Underlying Action in a Legal Service Liability Action; to provide that this act shall apply to all actions against legal service providers based on acts or omissions accruing after its effective date; and to provide that such cause of action shall supersede any inconsistent provisions of law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Abstaining 1.

Yeas:

Senators:	Bennett	deGraffenried	Horn	
Amari	Cabaniss	Denton	Langford	
Bailey	Campbell	Dial	Manley	
Barron	Corbett	Dixon	Menton	
Bedsole	Covington	Holmes	Smith (B)	—19

Nays: —0

Abstaining: Senator Hale —1

BUDGET ISOLATION RESOLUTION

Senator Denton, B. I. R., S. B. 204, adopted.

Yeas 17; Nays 3.

Yeas:

Senators:	Campbell	Dixon	Manley	
Bailey	Covington	Hale	Menton	
Barron	deGraffenried	Holmes	Smith (B)	
Bedsole	Denton	Horn	Smith (J)	
Bennett	Dial			—17

Nays:

Senators:	Amari	Corbett	Hilliard	—3
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BILLS ON THIRD READING RESUMED**THE BILL:**

S. 204. To exempt the Eye Foundation, Inc., and any of its branches and agencies from all state, county, or municipal sales or use taxes.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 1.

Yeas:

Senators:	Corbett	Dixon	Langford	
Amari	Covington	Foshee	Manley	
Bailey	deGraffenried	Hale	Menton	
Barron	Denton	Holmes	Smith (B)	
Campbell	Dial	Horn	Smith (J)	—19

Nay: Senator Hilliard —1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Carter:

H. 431. To amend Sections 10-2A-70.1 and 10-2A-70.2, Code of Alabama 1975, which relate to giving aid or contributions to a political party or candidate; so as to allow corporations which own, control or operate a railroad to make certain political contributions.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 431—to the Committee on State Development and Tourism

ADJOURNMENT

At 3:30 P.M., on motion of Senator Corbett, in accordance with Motion heretofore adopted, the Senate adjourned until Tuesday, March 1, 1988, at 1:30 P.M.

NINTH LEGISLATIVE DAY

TUESDAY, MARCH 1, 1988

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by the Reverend Curt McDaniel, Minister of Christian Education, Trinity Presbyterian Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Erika Jackson, Sidney Lanier High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Corbett	Foshee	Manley
Amari	Covington	Goodwin	Menton
Bailey	deGraffenried	Hale	Parsons
Barron	Denton	Hand	Preuitt
Bedsole	Dial	Hilliard	Rice
Bennett	Dixon	Holmes	Sanders
Bishop	Drinkard	Horn	Smith (B)
Cabaniss	Ellis	Langford	Smith (J)
Campbell	Figures		

—33

JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Eighth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Bedford and Mitchem for today.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Foshee:

S. 467. To amend Sections 25-9-2, 25-9-7, 25-9-9, 25-9-10, 25-9-11, 25-9-12, 25-9-13, 25-9-14, 25-9-15, 25-9-19, 25-9-20, 25-9-22, 25-9-27, 25-9-29, 25-9-40, 25-9-41, 25-9-42, 25-9-60, 25-9-61, 25-9-62, 25-9-63, 25-9-80, 25-9-82, 25-9-83, 25-9-84, 25-9-86, 25-9-87, 25-9-88, 25-9-89, 25-9-130, 25-9-132, 25-9-133, 25-9-134, 25-9-151, 25-9-152, 25-9-170, 25-9-171, 25-9-173, 25-9-174, 25-9-175, 25-9-176, 25-9-191, 25-9-192, 25-9-210, 25-9-213, 25-9-230, 25-9-251, 25-9-252, Code of Alabama 1975, relating to coal mine safety, so as to provide further for the definition of certain terms and to provide further for the regulations regarding the duties of mine inspectors, mine examination reports, certificates of competency for fire bosses and mine foreman, the composition of the board of examiners, the examination fees, the qualifications for fire boss; provides a penalty for uttering false statements on applications for certificates of competency; provides for suspension, cancellation or revocation of certificates of competency and fees for duplication of same, the qualifications of mine foremen in underground mines, the schedule of mine inspections; provides a penalty for failure to report and correct unsafe conditions, for the possession of controlled substances in or around the mines, the use of protective clothing; provides further for accidents and disasters, for mine fans, gases and ventilation, for explosives and blasting, for underground fire prevention and control, electrical equipment including flame safety lamps, roof support, hoisting and haulage, operation and maintenance of machinery, surface structures, transformers and practices, surface mining operations, sinking of bald shafts, for underground storage places and haulage roads, for the qualifications of the chief of the division of safety and inspections, and for enforcement of the provisions of this act.

Committee on Natural Resources.

By Senator Holmes:

S. 468. To promulgate "The Construction Equipment Franchise Act" in order to provide for the regulation of construction equipment manufacturers, distributors, wholesalers, dealers and their representatives; to provide for the regulation of dealings and transactions between manufacturers and distributors or wholesalers and their dealers; to prohibit unfair and deceptive trade practices; and to prescribe remedies for violation of the provisions hereof.

Committee on Small Business.

By Senator Drinkard:

S. 469. To exempt from attachment, execution, or seizure, the operation of certain bankruptcy or insolvency laws or under any legal process whatsoever, the right of a debtor to pension and retirement funds or disability and death benefits accruing under any retirement plan, employee benefit plan or certain other arrangements; and to provide that such exemption does not extend to benefits under any such plan to certain dependents of a participant.

Committee on Banking and Insurance.

By Senators Rice, Dial, and Bennett:

S. 470. To further amend section 38-7-3, Code of Alabama 1975, relating to child day care centers which are exempt from regulation by the Department of Human Resources, so as to require those exempted child day care programs be required to submit to the Department of Human Resources written verification of compliance with fire and health regulations, applicable to child day care centers, and that the Department of Human Resources be required to retain such verification on file.

Committee on Public Welfare.

By Senators Bishop and Bennett:

S. 471. To require the records, written, audio or video, of any recorded public meeting to be open to public inspection for one year; to provide criminal penalties for any violations; and to make certain exceptions.

Committee on Judiciary.

By Senator Smith (J):

S. 472. To further amend Section 35-15-1, Code of Alabama 1975, as amended, relating to the duty of care owed persons on premises for certain sporting and recreational purposes, so as to add certain persons who go onto premises for purposes of purchasing, picking or gleaning agricultural produce or products.

Committee on Judiciary.

By Senator Smith (J) (With Notice and Proof):

S. 473. Relating to Madison County; providing further for costs and charges in the circuit and district courts of said county in criminal cases, and providing for the distribution of the increased costs.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 473, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Smith (J):

S. 474. To amend Act 87-777, 1987 Regular Session, to provide that once an eligible court reporter has made an election to be on the retirement system, or has elected to be eligible for supernumerary status, that election is final and the court reporter remains in that status regardless of any break in service; to amend Section 12-17-290, Code of Alabama 1975, as last amended; and to provide the method of retirement of court reporters under certain circumstances.

Committee on Finance and Taxation.

By Senator Ellis:

S. 475. To authorize the board of pardons and paroles to establish an intensive supervision program and to determine which persons under supervision shall be assigned to such program; to authorize promulgation of

regulations pertaining to conditions of supervision and collection of fees to defray the expense of this program.

Committee on Judiciary.

By Senator Hilliard (With Notice and Proof):

S. 476. To amend Section 11-52-32, Code of Alabama 1975, relating to planning, zoning and subdivisions, so as to provide further for the planning commissions of Class 1 municipalities to elect no less than three and no more than five of the members thereof to serve as a committee to approve or disapprove any plat presented to such commission.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 476, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hilliard (With Notice and Proof):

S. 477. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief and retirement system for municipal officers and employees pursuant to the policemen's pension and relief plan provided by Act No. 502 of the 1923 Session of the Legislature of Alabama, as amended or codified: The Firemen's Pension and Relief Plan provided by Act No. 307 of the 1943 Session of the Legislature of Alabama, as amended (General Acts of Alabama of 1943, p. 264); the Limited Policemen's Retirement and Relief System provided by Act No. 470 of the 1955 Regular Session of the Legislature of Alabama, as amended (Acts of Alabama of 1955, p. 1067); and Limited Firemen's Pension and Relief System provided by Act No. 217 of the 1966 Special Session of the Legislature of Alabama, as amended (Acts of Alabama, Special Session 1966, p. 280), so as to provide that certain minimum monthly benefits shall be payable to certain persons.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 477, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Campbell:

S. 478. To provide merit system status for Hospital Orderlies employed by the Alabama Department of Mental Health and Mental Retardation with full benefits similarly provided to other state merit system employees.

Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 66. CREATING A LEGISLATIVE COMMISSION ON A.I.D.S.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Bryant:

H. J. R. 156. COMMENDING MARY BRYANT DUPREE FOR SIGNIFICANT CONTRIBUTIONS AND ACHIEVEMENT IN THE FIELD OF EDUCATION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 156, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

H. J. R. 147. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, February 25, 1988, that we adjourn to meet again on Tuesday, March 1, 1988; and that when we adjourn on Tuesday, March 1, 1988, that we adjourn to meet again on Thursday, March 3, 1988.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 147, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Hettinger, Drake, Freeman, Hall, Grayson, Brooks, Butler, Burke, Harvey, Ford, Bugg, Rains, Lindsey, Newman, Moon, and Logan:

H. J. R. 145. CONGRATULATING THE UNIVERSITY OF ALABAMA IN HUNTSVILLE ON THE OPENING OF THE TOM BEVILL CENTER FOR PROFESSIONAL DEVELOPMENT AND CONTINUING EDUCATION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 145, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Rep. Carter:

H. J. R. 149. EXPRESSING FURTHER LEGISLATIVE INTENT RELATING TO ACT NO. 81-418, H. 857, REGULAR SESSION 1981 (ACTS 1981, P. 661) AND ACT NO. 87-229, HJR 312, REGULAR SESSION 1987, PROVIDING FOR CERTAIN COUNTY OFFICIALS IN LIMESTONE COUNTY, ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby state and restate that the legislative intent of said Act No. 81-418, Regular Session 1981 (Acts 1981, p. 661) and Act No. 87-229, HJR 312, Regular Session 1987, and particularly section 2 of Act No. 81-418 providing for monthly expense allowances for the chairman of the county commission, members of the county commission, the sheriff and the coroner, is effective for the stated officers, and no others, currently or hereafter holding the respective offices, until the Legislature repeals the provisions in whole or in part. The provision shall become effective the next pay period after the effective date of passage of this resolution.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be sent to the officers stated in the above paragraph, the clerk of the county commission and the other appropriate officers, together with a copy to each member of the Limestone County legislative delegation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 149, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Blake, Payne, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 150. COMMENDING SHELLIE SKIPPER, 1988 MISS LOGAN MARTIN.

Also:

By Rep. Beasley:

H. J. R. 151. NAMING THE BRIDGE ON STATE HIGHWAY 27, OVER THE CHOCTAWHATCHEE RIVER, SOUTHWEST OF ABBEVILLE, ALABAMA, THE "CURETON BRIDGE".

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 150, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

The Resolution, H. J. R. 151, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 125. To amend Act No. 87-554 enacted at the 1987 Regular Session of the Legislature of Alabama so as to insert in Subsection (1)b1(viii) thereof the appropriate reference to Act No. 87-550.

JOHN W. PEMBERTON,
Clerk.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 102. To provide for the investment of the ad valorem taxes collected by the ad valorem tax officials of this State, to provide for the distribution of interest on such investment, to establish a fund out of a portion of the interest on said investments for the use of said officials, and to specify certain uses and restrictions on the use of said fund.

Also:

S. 106. To amend Section 22-30-5.1, Code of Alabama 1975, as amended, to prohibit the siting or construction of any commercial hazardous waste treatment facility or disposal site in this state after December 31, 1988, until the select joint nuclear energy activities and hazardous chemical toxic waste oversight committee submits its written findings and recommendations regarding said proposed siting or construction and the legislature thereafter gives approval therefor by joint resolution; to require the hazardous waste committee to consider and include in said written report an evaluation of various criteria set forth herein; and it names the bill "The Hazardous Waste Control Amendment of 1988."

Also:

S. 291. Proposing an amendment to the Constitution of Alabama of 1901, establishing a district attorneys' inquiry commission which shall conduct investigations into complaints concerning district attorneys; creating a court of district attorneys to hear complaints filed by the commission; and creating a district attorneys' canon promulgating committee to promulgate canons of ethics for district attorneys.

BILL DRINKARD,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 197. Relating to alcoholic beverages; to provide for business relations between suppliers and wholesalers of beer; to require written agreements setting forth in full the supplier's agreement with the wholesaler, and designating a specific exclusive sales territory; to provide for prohibited acts by the supplier and by the wholesaler; to provide for conditions of amendment, modification, resignation, cancellation, termination, failure to renew or refusal to continue said agreement; to provide for the transfer of wholesaler's business, for the establishment of non-discriminatory, material and reasonable qualifications and standards by supplier, and prohibit interference with the transfer upon compliance with those standards; to provide for reasonable compensation upon supplier's violation of the act, including method of

voluntary arbitration; to provide for civil actions for violations, damages and venue; to provide for the burden of proof; to provide that the wholesaler may not waive rights set forth in this act; to provide that the act relates to existing and future agreements, transferee of wholesaler continuing under written agreement, and supplier's successor; and to provide that this act is cumulative.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Beasley, Carothers, and Mathis (With Notice and Proof):

H. 559. Relating to Houston County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 559, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Spratt, Newton, Perdue, Petelos, Rogers, McDowell, Davis, White (G), Payne, Wright, Slaughter, Curry, Seibels, Gray, and McClain (With Notice and Proof):

H. 491. Relating to counties having a population excess of 500,000 according to the most recent federal decennial census; to amend Section 1 of Act No. 81-752, H. 33, 1981 Regular Session, which relates to the compensation of certain election officials so as to increase their compensation.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 491, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 559—to the Committee on Local Legislation No. 1

H. B. 491—to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Bugg (With Notice and Proof):

H. 58. Relating to Etowah County, amending Act No. 83-780, S. 501, 1983 Regular Session, which provides for the expense allowance for the constable, so as to increase said expense allowance.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 58, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Mathis (With Notice and Proof):

H. 545. Relating to Geneva County; providing for election of the members of the county commission from certain defined districts and prescribing the manner by which such districts shall hereafter be defined for purposes of electing such members.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 545, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 58 and 545—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson (RG):

H. 102. To amend Sections 22-21-20 and 22-21-27 of the Code of Alabama 1975, relating to licensing of hospitals, nursing homes and other

health care institutions so as to include home health agencies; and to provide further for the advisory board.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 102—to the Committee on Health

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Butler:

H. 13. To amend section 6-5-332.1, Code of Alabama 1975, relating to the granting of civil immunity to persons assisting or advising as to the mitigation of the effects of hazardous materials, so as to grant civil immunity to hazardous material handling teams operated by the state or a county, municipality or other political subdivision.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 13—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 54. To repeal Sections 16-24A-1 through 16-24A-29 of the Code of Alabama 1975, as amended, known as the Alabama Performance-Based Career Incentive Program Act.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 66. CREATING A LEGISLATIVE COMMISSION ON A.I.D.S.

JOHN W. PEMBERTON,
Clerk.**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

RECESS

At 1:55 P.M., Senator Denton moved that the Senate take a recess for the purpose of the Joint Session to hear the message of the Honorable William F. Winter, former governor of Mississippi, and further moved that at the completion of the Joint Session, the Senate recess subject to the call of the Chair, which motion was adopted.

JOINT SESSION

At 2 o'clock P.M., in accordance with H. J. R. 133, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the address of the Honorable William F. Winter, former governor of Mississippi.

The Session was called to order by Lieutenant Governor Folsom, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, Governor Winter was escorted to the Chair and delivered his message to the Legislature of Alabama.

The recess period having expired, at 2:35 P.M., the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

RESOLUTIONS

Senators Rice and Dial requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 79. REQUESTING THE STATE DEPARTMENTS OF EDUCATION, HIGHWAY, PUBLIC HEALTH, MENTAL HEALTH AND MENTAL RETARDATION, AND INDUSTRIAL RELATIONS TO DESIGNATE STAFF PERSONS TO IDENTIFY POTENTIAL CHILD DAY CARE SUPPORT SERVICES AVAILABLE WITHIN THEIR DEPARTMENTS, AND TO COORDINATE THE UTILIZATION OF SUCH SERVICES THROUGH THE GOVERNOR'S CHILD DAY CARE RESOURCE COORDINATOR AND THE DEPARTMENT OF HUMAN RESOURCES CHILD DAY CARE COORDINATOR.

WHEREAS, the coordination of state agencies is essential to the identification and utilization of potential child day care support services available within state departments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we request the state departments of education, highway, public health, mental health and mental retardation, and industrial relations to designate staff persons to identify potential child day care support services available within their departments, and to coordinate the utilization of such services through the governor's child day care resource coordinator and the DHR child day care coordinator.

BE IT FURTHER RESOLVED, That a written report of the findings of each department be submitted by the respective staff designees to the governor's child day care resource coordinator, no later than January 1, 1989.

RESOLVED FURTHER, That a copy of this resolution be sent to the head of each department herein named.

On motion of Senator Rice, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Rice and Dial then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 80. JOINING THE JOINT GOVERNOR'S-LEGISLATIVE TASK FORCE IN ITS ENDORSEMENT AND SUPPORT OF THE PROPOSED FEDERAL ACT FOR BETTER CHILD CARE.

WHEREAS, by resolution, the Alabama Legislature created the Joint Governor's-Legislative Task Force on Child Day Care in 1986 to address the issues of quality child care being accessible for all Alabama families who need it at a price they can afford; and

WHEREAS, by resolution, the Alabama Legislature in 1987 continued the Joint Governor's Legislative Task Force on Child Day Care empowering its continued study of child day care in Alabama; and

WHEREAS, the Joint Governor's-Legislative Task Force supports and endorses the Act for Better Child Care introduced in the United States House of Representatives (H. R. 3660) and the United States Senate (S. 1885) on November 19, 1987; and

WHEREAS, the Act for Better Child Care provides new funds to make child care more affordable for low to moderate income families and will increase the accessibility of quality child care for all families; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we as a total legislature join the Joint Governor's-Legislative Task Force in its endorsement and support of the Act for Better Child Care.

RESOLVED FURTHER, That a copy of this resolution be mailed to the Alabama Congressional Offices in Washington, D. C. encouraging their endorsement and support of the Act for Better Child Care.

On motion of Senator Rice, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Rice and Dial then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 81. REQUESTING THE GOVERNOR'S OFFICE TO DEVELOP AND PRODUCE PUBLIC SERVICE ANNOUNCEMENTS ON CHILD DAY CARE.

WHEREAS, initial efforts should be made to promote awareness of child day care as a family support system, child day care's positive role in the economic viability of families, the interrelatedness of the child day care industry and the state's economic growth, and to define indicators of quality in child day care; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the governor's office to develop and produce a series of public service announcements on child day care.

RESOLVED FURTHER, That a copy of this resolution be sent to the governor.

On motion of Senator Rice, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Rice and Dial then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 82. REQUESTING THAT ADO/ADECA, THE ATTORNEY GENERAL'S OFFICE AND OTHER APPROPRIATE AGENCIES DEVELOP AND UTILIZE BROCHURES ADDRESSING THEIR AGENCIES' ROLES IN CHILD DAY CARE.

WHEREAS, initial efforts should be made to promote awareness of child day care as a family support system, child day care's positive role in the economic viability of families, the interrelatedness of the child day care industry and the state's economic growth, and to define indicators of quality in child day care; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we request ADO/ADECA, the attorney general's office and other appropriate agencies to develop and utilize brochures addressing their agencies' roles in child day care.

RESOLVED FURTHER, That a copy of this resolution be sent to the staff designees for child day care in ADO/ADECA and the attorney general.

On motion of Senator Rice, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Rice and Dial then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 83. REQUESTING THE DEPARTMENT OF HUMAN RESOURCES TO DEVELOP AND UTILIZE A BROCHURE ADDRESSING PARENT/PROVIDER/DEPARTMENT OF HUMAN RESOURCES JOINT RESPONSIBILITIES IN CHILD DAY CARE.

WHEREAS, initial efforts should be made to promote awareness of child day care as a family support system, child day care's positive role in the economic viability of families, the interrelatedness of the child day care industry and the state's economic growth, and to define indicators of quality in child day care; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the Department of Human Resources to develop and utilize a brochure addressing parent/provider/Department of Human Resources joint responsibilities in child day care.

RESOLVED FURTHER, That the Commissioner of the Department of Human Resources be sent a copy of this resolution.

On motion of Senator Rice, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Rice and Dial then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 84. URGING THE DEPARTMENT OF HUMAN RESOURCES TO INITIATE CERTAIN POLICIES AND ACTIONS REGARDING THE CHILD DAY CARE INDUSTRY.

WHEREAS, the Department of Human Resources is the primary licensing and service state agency for the child day care industry in Alabama; and

WHEREAS, the Joint Governor's-Legislative Task Force on Child Day Care has made specific recommendations for 1988 based on extensive study and meetings; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge the Department to initiate the following actions and policies and plans:

(a) Establish a position of Child Day Care Coordinator within the Department in order to facilitate the implementation of the 1987 and 1988 Task Force recommendations; to develop a comprehensive plan for Alabama's child day care and facilitate the implementation thereof;

(b) Employ ten (10) additional child day care licensing personnel in order to better enforce the Child Care Act of 1971;

(c) Strengthen the state subsidized child day care programs by:

(1) Implementing a child day care component in Alabama's welfare reform program;

(2) Increasing by 2000 the number of children served through the state subsidized program; and

(3) Increasing monthly payments to day care homes and center providers participating in the state subsidized program;

(d) Develop and implement policies to enhance quality in child day care through the following means:

(1) Require personnel employed after June 1, 1988, who directly license child day care centers to have at least a bachelor's degree in child development or early childhood education;

(2) Require all personnel who license child day care to receive annually a minimum of twenty (20) clock hours of training that includes the philosophical basis of licensing, the licensing process, uniform interpretation and enforcement of licensing standards, communication skills, as well as instruction in applied child development and early childhood education;

(3) Develop a "system" to be used by licensing personnel as a basis for consistent program evaluation; and

(4) Develop disciplinary guidelines for programs which are in noncompliance with the state Minimum Standards;

(e) Review and revise policies related to center and home provider participation in the state subsidized child day care program, with the objective and intent of broadening options for child placements;

(f) Establish a child day care data collection procedure; and

(g) Continue to establish and utilize the County Coordinating Councils as a child day care information gathering and disseminating network.

RESOLVED FURTHER, That we encourage and support the efforts of the Department in the adoption of the initiatives herein stated, and that a copy of this resolution be sent to the commissioner of the Department of Human Resources.

Which was read and referred to the Standing Committee on Rules.

Senators Rice and Dial then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 85. REQUESTING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HUMAN RESOURCES TO CONDUCT A JOINT STUDY OF CHILD CARE PROGRAMS OPERATING FOUR HOURS OR LESS A DAY.

WHEREAS, the identification of child care programs operating four (4) hours a day or less is critical to the entire effort of maintaining certain minimum standards for the protection of children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the development of a joint study to be conducted by the State Department of Education and the Department of Human Resources of child care programs operating four (4) hours a day or less, which should include the establishment of a registration process as an initial effort toward identifying such programs. A report of the findings of this study should be submitted to the Child Day Care Resource Coordinator on the Governor's staff no later than January 1, 1989.

RESOLVED FURTHER, That a copy of this resolution be sent to the Commissioner of the Department of Human Resources and the Superintendent of the Department of Education.

On motion of Senator Rice, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Rice and Dial then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 86. REQUESTING THAT THE LEGISLATIVE MEMBERS OF THE JOINT GOVERNOR'S-LEGISLATIVE CHILD DAY CARE TASK FORCE WORK WITH THE ALABAMA LEAGUE OF MUNICIPALITIES TO DEVELOP A PLAN WHICH ADDRESSES THE ZONING PROBLEMS OF FAMILY DAY CARE HOMES, WITH RECOMMENDATIONS FOR CORRECTIVE ACTIONS.

WHEREAS, some zoning regulations have a negative impact on the establishing and operating of family day care homes in this state; and

WHEREAS, the service of an increasing number of family day care homes is needed by Alabama's working families; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request that the legislative members of the Joint Governor's-Legislative Child Day Care Task Force work with the Alabama League of Municipalities to develop a plan which addresses the zoning problems of family day care homes, with recommendations for corrective actions.

RESOLVED FURTHER, That a written report of findings and proposed corrective action be submitted to the Task Force on Child Day Care no later than January 1, 1989.

FURTHER RESOLVED, That a copy of this resolution be sent to the Alabama League of Municipalities.

On motion of Senator Rice, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Rice and Dial then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 87. REQUESTING THAT ADO/ADECA STAFF DESIGNEES WORK WITH THE CHILD DAY CARE COORDINATOR (DHR), THE STATE FINANCE DEPARTMENT, THE STATE TREASURER'S OFFICE, THE OFFICE OF MINORITY BUSINESS AND THE SOUTHERN DEVELOPMENT COUNCIL TO IMPLEMENT LOW-INTEREST LOAN PROGRAMS FOR THE START-UP, EXPANSION AND IMPROVEMENT OF CHILD DAY CARE FACILITIES.

WHEREAS, availability of quality child day care is a problem for many working families; and

WHEREAS, no significant growth in number of licensed day care centers in Alabama has occurred since 1977, even though statistics show that nationally such centers have increased by 72%; and

WHEREAS, the expansion of child day care facilities in this state would be greatly facilitated by the availability of low-interest loan programs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request that ADO/ADECA staff designees work with the Child Day Care Coordinator (DHR), the State Finance Department, the State Treasurer's Office, the Office of Minority Business and the Southern Development Council to implement low-interest loan programs for start-up, expansion and improvement of day care facilities.

RESOLVED FURTHER, That a written report concerning implementation of such programs be submitted to the Task Force on Child Day Care no later than January 1, 1989.

FURTHER RESOLVED, That a copy of this resolution be sent to each person and agency herein requested to participate in implementation of this resolution.

Which was read and referred to the Standing Committee on Rules.

Senators Rice and Dial then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 88. REQUESTING THAT THE DEPARTMENT OF HUMAN RESOURCES CHILD DAY CARE COORDINATOR, ADO/ADECA

STAFF DESIGNEES AND THE DEPARTMENT OF REVENUE STUDY AND RECOMMEND FEASIBLE TAX INCENTIVES FOR EMPLOYER SUPPORT OF CHILD DAY CARE.

WHEREAS, private employers of this state would be more receptive to providing support programs to meet employees' child day care needs if said employers were provided reasonable tax incentives for implementing such programs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request that the Department of Human Resources Child Day Care Coordinator, ADO/ADECA staff designees and the Revenue Department study and recommend feasible tax incentives for employer support of child day care.

RESOLVED FURTHER, That a written report of findings and recommendations be submitted to the Task Force on Child Day Care no later than January 1, 1989.

FURTHER RESOLVED, That a copy of this resolution be sent to the Commissioner of the Department of Human Resources, the ADO/ADECA staff designees for child day care and the Commissioner of the Revenue Department.

On motion of Senator Rice, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Rice and Dial then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 89. URGING THE ATTORNEY GENERAL, THE DISTRICT ATTORNEYS, AND THE ALABAMA COUNCIL OF CHILD DAY CARE REGULATORS TO CONTINUE GIVING PRIORITY TO THE ENFORCEMENT OF THE CHILD CARE ACT OF 1971 (SECTIONS 38-7-1 THROUGH 38-7-17, CODE OF ALABAMA 1975).

WHEREAS, the enforcement of the Child Care Act of 1971 is the only mechanism to protect the health and safety of children in child day care and to provide parents consumer protection; and

WHEREAS, the district attorneys of this state and the attorney general of this state are specifically charged by the 1971 Child Care Act (Sections 38-7-1 through 38-7-17, Code of Alabama 1975), hereinafter referred to as simply the "1971 Act," with the enforcement of said act; and

WHEREAS, we feel the Alabama Council of Child Day Care Regulators also should give priority to enforcing the 1971 Act; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge the state attorney general, the various district attorneys, and the council of child day care regulators to continue to give priority status to the enforcement of the 1971 Act. We further support and encourage these agencies in their efforts.

RESOLVED FURTHER, That a copy of this resolution be sent to the attorney general, each district attorney of this state, and to the Alabama Council of Child Day Care Regulators.

Which was read and referred to the Standing Committee on Rules.

Senators Rice and Dial then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 90. REQUESTING THE ALABAMA COLLEGE SYSTEM, THE ALABAMA COMMISSION ON HIGHER EDUCATION AND THE DEPARTMENT OF EDUCATION (SECONDARY EDUCATION) TO DEVELOP AND COORDINATE AN ACCESSIBLE AND AFFORDABLE TRAINING PROGRAM FOR THE CHILD DAY CARE COMMUNITY, BUILDING UPON THE PLAN PROPOSED BY THE ALABAMA COLLEGE SYSTEM.

WHEREAS, a trained staff is one of the most important indicators of quality in child day care; and

WHEREAS, there exists a need for an accessible and affordable training program for the staff of child day care centers/homes in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request The Alabama College System, the Alabama Commission on Higher Education and the Department of Education (Secondary Education) to develop and coordinate an accessible and affordable training program for the child day care community, building upon the plan proposed by the Alabama College System.

FURTHER RESOLVED, That this training program include a provider-input component and a funding request that reflects the coordination and utilization of all available resources and funding options.

RESOLVED FURTHER, That copies of this resolution be sent to the Chancellor of The Alabama College System, the Director of the Alabama Commission on Higher Education, the Superintendent of the State Department of Education and the Head of Secondary Education, State Department of Education.

Which was read and referred to the Standing Committee on Rules.

Senators Rice and Dial then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 91. URGING THE STATE AGENCIES PROVIDING CHILD DAY CARE SERVICES TO ESTABLISH THAT THEIR CHILD DAY CARE PROGRAMS MEET OR EXCEED THE STATE'S MINIMUM STANDARDS.

WHEREAS, certain initial efforts should be made by state agencies to address the changing and expanding nature of child day care delivery systems in this state; and

WHEREAS, all children served by the child day care providers in this state deserve equal protection and treatment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge all state agencies providing child day care services to establish a plan which assures that their respective child day care programs meet or exceed Alabama Minimum Standards, which plan should be submitted to the Governor's Child Day Care Resource Coordinator no later than January 1, 1989.

FURTHER RESOLVED, That we hereby request any state agency providing child day care services in programs under their jurisdiction to file

an annual report with the Department of Human Resources to certify that these child day care programs meet or exceed Alabama Minimum Standards, and to provide such data as the Department requests in order to compile comprehensive statistics on child day care in Alabama.

RESOLVED FURTHER, That copies of this resolution be sent to the Commissioner of the Department of Human Resources, the Governor's Child Day Care Resource Coordinator, Superintendent of the State Department of Education and the Commissioner of the State Department of Mental Health and Mental Retardation so that they may take the appropriate executive actions to accomplish the requirements of this resolution.

Which was read and referred to the Standing Committee on Rules.

Senators Denton, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuit, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Resolution, to-wit:

S. R. 92. COMMENDING HANK WILLIAMS, JR., FOR OUTSTANDING ACHIEVEMENT.

Which was filed.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 93. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the ninth legislative day of the 1988 Regular Session only:

Inst Id	Page
S. 74	29
Real estate commission, sunset law review cont., membs. terms limited, Sen. confirmation of appointees, rules adopted pursuant to admin. procedure act, references to out-of-st. brokers deleted, Secs. 34-27-3, 34-27-7, 34-27-8, 34-27-35 am'd.	
S. 75	30
Insurance Dept., sunset law review cont. until Oct. 1, 1989, rules adopted pursuant to admin. procedure act, Sec. 27-2-17 am'd.	
S. 76	30
Bd. of Heating and Air Conditioning, sunset law review cont., certification, bd. appts. and terms, powers, exams of bd., alt., Secs. 34-31-18 thru 34-31-21, 34-31-28, 34-31-29, 34-31-32 am'd.	
S. 77	31
Plumbing Examiners Bd., sunset law review cont.	
S. 78	31
Public service commission, sunset law review cont.	

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S. 79	31
Pilotage Commission, sunset law review continued, method of computing pilots' fees, alt., Sec. 33-4-48 am'd.	
S. 80	32
Alcoholic beverage control bd., sunset law review cont.	
S. 81	32
Examiners of mine personnel, sunset law review cont., membs. terms limited, Sen. confirmation and reprimand auth., Secs. 25-9-9, 25-9-15 am'd.	
S. 82	33
Board of examiners in psychology, sunset law review cont., Sen. confirmation, membs. term limited, rules promulgated pursuant to admin. procedure act, specialization, revocation of licenses, Secs. 34-36-21, 34-26-22, 34-26-41, 34-26-43, 34-26-46 am'd.	
S. 83	33
Bd. of public accountancy, sunset law review cont., preserve one public accountant on bd., Sen. confirm., per diem alt., confidentiality of records, Sec. 34-1-3 am'd.	
S. 84	34
Securities comm., sunset law review cont., Sen. confirmation, membs. terms limited, comp. of director alt., Secs. 8-6-50, 8-6-56 am'd.	
S. 85	34
Board of Auctioneers, sunset law review cont., bd. membs. appointment and terms, rules pursuant to admin. procedure act, bds. funds transferred to st. treasury, Secs. 34-4-21, 34-4-50, 34-4-53, 34-4-54 am'd.	
S. 86	34
Board of examiners for professional entomologists, horticulturists, plant pathologists, floriculturists and tree surgeons, sunset law review cont., exam fee set, revocation of certificate auth., Secs. 2-28-4, 2-28-7 am'd.	
S. 87	35
Board of cosmetology, sunset law review cont., Sen. confirm appointees, rules promulgated pursuant to admin. procedure act, Sec. 34-7-40 am'd.	
S. 88	47
Bd. of social work examiners, sunset law review, grandfather clause, penalties, Sen. confirmation, terms of office limited, rules to conform with admin. procedure act, Secs. 34-30-27, 34-30-33, 34-30-50, 34-30-51, 34-30-57 am'd.	

- S. 89 47
Liquefied petroleum gas bd., sunset law review cont., bd. membs. terms limited, Sen. confirmation, insurance reg. alt., Secs. 9-7-101, 9-7-103, 9-7-105 am'd.
- S. 90 47
Sunset law, plumbers and gas fitters examining bd. added to list of enumerator agencies, Sec. 41-20-3 am'd.
- S. 91 48
Bd. of Funeral Service, sunset law review, mbrs, terms, Sen. confirm, comply with admin. proced. act, exam fees, communicable disease report, Secs. 34-13-20, 34-13-23, 34-13-26, 34-13-29, 34-13-56, 34-13-70, 34-13-90, 34-13-111, 34-13-132, 34-13-134.

On motion of Senator Drinkard, the Resolution was adopted by the Senate.

REPORTS OF COMMITTEES

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Dixon, Drinkard, and Bailey (With Substitute) (With Amendment):

S. 1. To amend Section 29-2-41, Code of Alabama 1975, which relates to the Contract Review Permanent Legislative Oversight Committee, so as to provide further for the committee's authority to review state contracts.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Goodwin:

S. 29. To amend Section 41-16-21.2, Code of Alabama 1975, which exempts certain state agencies whose principal business is honorariums from the competitive bid law, so as to provide further for such exemption.

By Senator Bishop:

S. 244. To provide for cost-of-living increases in the retirement benefits of retired employees of certain public hospitals and related facilities; to provide that the granting of such increases shall be at the option of the county governing body of the county in which such hospital or facility existed and the cost thereof shall be paid by such county.

By Senator Ellis:

S. 394. To amend Section 41-8-2, Code of Alabama 1975, relating to the board of the Alabama public library service, so as to increase the membership of the board.

By Senator deGraffenried:

S. 118. To further amend Section 17-4-156, Code of Alabama 1975, as amended, relating to meeting days of the boards of registrars, so as to further provide for such meeting days; and to provide an effective date.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Barron, Mitchem, Parsons, Bennett, Bedford, Rice, Dial, deGraffenried, Foshee, Ellis, Bedsole, Menton, Smith (J), Denton, Campbell, Preuitt, Goodwin, Horn, Amari, Manley, and Hand (With Substitute):

S. 428. To create and provide for the incorporation, organization and operation of the Alabama water system assistance authority; to prescribe the powers and functions of the said authority as a public corporation; to authorize the authority to make loans or grants to public water systems and to issue bonds; to establish a special "water supply assistance fund"; to provide for a legislative oversight committee to monitor such authority; to provide that the revenues accruing to the Alabama water system assistance authority from bonds issued by such authority shall be deposited in a certain fund to be operated by the Alabama department of economic and community affairs; and to provide for state assistance to and cooperation with community water systems in financing projects that would focus on locating, developing and sustaining adequate potable water supplies for the citizens of this state.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Hill:

H. 62. To amend Section 41-8-2, Code of Alabama 1975, relating to the board of the Alabama public library service, so as to increase the membership of the board.

Senator deGraffenried, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Carter:

H. 431. To amend Sections 10-2A-70.1 and 10-2A-70.2, Code of Alabama 1975, which relate to giving aid or contributions to a political party or candidate; so as to allow corporations which own, control or operate a railroad to make certain political contributions.

Senator Holmes, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following

bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Holmes:

S. 431. To amend Section 35-12-6 of the Code of Alabama 1975, which relates to the disposition of articles left for service so as to shorten the period unclaimed articles must be held.

By Rep. Adams:

H. 94. To amend Sections 27-3-28, 27-7-1, 27-7-2, 27-7-3, 27-7-4, 27-7-5, 27-7-6, 27-7-7, 27-7-8, 27-7-9, 27-7-10, 27-7-11, 27-7-13, 27-7-14, 27-7-16, 27-7-17, 27-7-18, 27-7-19, 27-7-28, 27-7-29, 27-7-30, 27-7-31, 27-7-33, 27-7-34 and to repeal Section 27-7-26 of the Code of Alabama 1975, relating to property, casualty and surety insurance representatives and exceptions to execution of contracts through a countersigning resident agent so as to further regulate such representatives, to allow certain insurance agencies to be licensed and to provide further for such exceptions.

By Rep. Johnson (RW):

H. 203. To amend Sections 34-36-3, 34-36-4, 34-36-6 and 34-36-13 relating to electrical contractors, so as to authorize the board of electrical contractors to regulate and license certain master and journeyman electricians and to contract for an executive secretary.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Layson (With Notice and Proof):

H. 550. Relating to Pickens County; authorizing the county commission to levy an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; providing for the implementation and expiration of this act; and providing for a referendum.

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Senators Dial, Hand, Barron, Rice, Ellis, Bedsole, Foshee, and Mitchem:

S. 250. To amend Section 40-12-240, Code of Alabama 1975, relating to definitions of motor vehicles, so as to define the portions of the definition of gross vehicle weight which are no longer applicable and to amend Section 40-12-248, Code of Alabama 1975, relating to taxes and fees on trucks and tractors, so as to reduce the annual license taxes and registration fees on certain trucks known as self-propelled campers or house cars.

By Senators Manley and Parsons:

S. 135. To amend Section 13A-3-1, Code of Alabama 1975, relating to the defense of insanity or mental disease or defect, so as to define the

defense; to specify the burden of proof; to specify the conduct to which this act applies; and to provide an effective defense.

By Senators Manley, Dixon, and Dial:

S. 136. To amend Section 25-4-78, Code of Alabama 1975, relating to disqualifications for benefits under Unemployment Compensation, so as to establish a new category of alien claimants eligible for unemployment benefits in conformance with the Immigration Reform and Control Act of 1986, PL 99-603; and to enumerate the categories of aliens eligible for benefits thereunder.

By Senator Manley:

S. 139. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1987 Regular Session of the Legislature, as contained in the 1987 Cumulative Supplement to certain volumes of the Code and in the 1987 Replacement Volumes 7, 7A and 13 of the Code; to make corrections in certain volumes of such cumulative supplement and replacement volume 13; and to reorganize Article 5, Chapter 12, Title 13A, and Chapter 2, Title 20, as appearing in Volumes 12 and 14, respectively, of such cumulative supplement, so as to place the principal drug crime statutes in Title 13A, the Alabama Criminal Code.

By Senators Bailey, Bedsole, Bedford, Dial, Holmes, Bishop, and Campbell:

S. 276. To provide for (a) the letter permitting of an operation of "commercial fee fishing ponds"; (b) the exemption of certain persons from otherwise applicable state fishing license requirements; (c) the prohibition of selling or offering to sell or trading or offering to trade any fish taken from said ponds, except as otherwise provided by law; and (d) to provide penalties for the violation thereof and rules and regulations promulgated pursuant thereto.

By Senator Hand (With Substitute):

S. 141. To amend section 11-88-6, Code of Alabama 1975, which provides for boards of directors of county and municipal water, sewer and fire protection authorities, so as to provide further for the maximum amounts paid to such board members and chairmen for their meetings.

MOTIONS IN WRITING

Senator Smith (J) offered the following Motions in Writing, to-wit:

I move that the Bill, S. B. 329, on page 52 of the 9th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, H. B. 481, on page 46 of the 9th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which were adopted, and the President and Presiding Officer of the Senate ordered said Bills, S. B. 329 and H. B. 481, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Ellis offered the following Motions in Writing, to-wit:

I move that the Bill, S. B. 159, on page 36 of the 9th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, S. B. 327, on page 19 of the 9th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which were adopted, and the President and Presiding Officer of the Senate ordered said Bills, S. B.'s 159 and 327, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Senators Hale, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuit, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Joint Resolution, to-wit:

S. J. R. 94. MOURNING THE DEATH OF GOVERNOR JAMES E. FOLSOM OF CULLMAN, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of former Governor James E. Folsom of Cullman, Alabama, on November 21, 1987, at the age of 79; and

WHEREAS, a native of Elba in Coffee County, Governor Folsom was elected to his first term as Governor in the 1946 general election; and

WHEREAS, Governor Folsom was later elected to a second term as Governor in the 1954 general election, being only the second governor, at that time, in the history of our state ever to be elected to more than one four-year term in office; and

WHEREAS, as the 46th and 48th Governor of Alabama, James E. Folsom rendered honorable and distinguished service to all citizens and his eight-year tenure as our Governor was one of tremendous progress for all Alabamians; and

WHEREAS, Governor Folsom's vigorous leadership provided many programs that remain beneficial, even today, to Alabama and all citizens thereof; and

WHEREAS, Governor Folsom also was a friend of education and an early supporter of many of the current strengths of our education system; and

WHEREAS, Governor Folsom left yet another truly enduring mark on Alabama with his successful program of paving farm to market roads; and

WHEREAS, in recognition of Governor James E. Folsom, and in gratitude for his historic contributions to Alabama, it is entirely fitting that we recognize his legacy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death

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of former Governor James E. Folsom of Cullman, Alabama, and extend our deepest sympathy to his wife, Mrs. Jamelle Folsom, and to his nine children; and to other family members, whose great sorrow we share and for whom copies of this resolution shall be provided.

On motion of Senator Hale, the Rules were suspended and the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B. I. R., S. B. 173, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Menton	
Amari	Corbett	Hale	Parsons	
Barron	deGraffenried	Hand	Preuitt	
Bedsole	Denton	Holmes	Rice	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Drinkard	Manley	Smith (J)	
Cabaniss	Figures			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 173. Relating to the Twenty-third Judicial Circuit; to amend Act No. 86-341, S. 567, 1986 Regular Session, which provides for the retirement of circuit judges, so as to provide further for such retirement and to repeal Act No. 799, S. 619, 1977 Regular Session.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Menton	
Amari	Corbett	Hale	Parsons	
Barron	deGraffenried	Hand	Preuitt	
Bedsole	Denton	Holmes	Rice	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Drinkard	Manley	Smith (J)	
Cabaniss	Figures			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B. I. R., S. B. 233, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Manley
Amari	Corbett	Foshee	Menton
Barron	Covington	Hale	Parsons
Bedsole	deGraffenried	Holmes	Rice
Bennett	Dial	Horn	Smith (B)
Bishop	Dixon	Langford	Smith (J)
Cabaniss	Drinkard		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 233. Relating to Madison County; providing a certain county supplement to the salary of each supernumerary court reporter in the Twenty-third Judicial Circuit payable from the county treasury.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Manley
Amari	Corbett	Foshee	Menton
Barron	Covington	Hale	Parsons
Bedsole	deGraffenried	Holmes	Rice
Bennett	Dial	Horn	Smith (B)
Bishop	Dixon	Langford	Smith (J)
Cabaniss	Drinkard		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B. I. R., S. B. 315, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Menton
Amari	Denton	Hilliard	Parsons
Barron	Dial	Holmes	Preutt
Bedsole	Dixon	Horn	Rice
Bishop	Ellis	Langford	Smith (B)
Cabaniss	Figures	Manley	Smith (J)
Corbett	Foshee		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 315. Relating to Madison County; providing for county supplement paid to court reporters in the Twenty-third Judicial Circuit to be on a

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percentage of compensation paid by the State of Alabama to court reporters payable from the county treasury.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Parsons
Amari	Denton	Hilliard	Preuitt
Barron	Dial	Holmes	Rice
Bedsole	Dixon	Horn	Smith (B)
Bishop	Ellis	Langford	Smith (J)
Cabaniss	Figures	Manley	
Corbett	Foshee	Menton	

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Ellis, B. I. R., S. B. 322, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Langford
Bailey	Corbett	Foshee	Manley
Barron	Covington	Hale	Menton
Bedsole	deGraffenried	Hand	Parsons
Bennett	Denton	Hilliard	Rice
Bishop	Dial	Horn	Sanders
Cabaniss	Dixon		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 322. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Wilton, in Shelby County.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Langford
Bailey	Corbett	Foshee	Manley
Barron	Covington	Hale	Menton
Bedsole	deGraffenried	Hand	Parsons
Bennett	Denton	Hilliard	Rice
Bishop	Dial	Horn	Sanders
Cabaniss	Dixon		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Ellis, B. I. R., 341, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Langford	
Bailey	Corbett	Foshee	Manley	
Barron	Covington	Hale	Menton	
Bedsole	deGraffenried	Hand	Parsons	
Bennett	Denton	Hilliard	Rice	
Bishop	Dial	Horn	Sanders	
Cabaniss	Dixon			—25

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 341. Relating to Shelby County; to authorize the creation of public library districts in certain areas of Shelby County; to prescribe conditions and procedures relative to the creation of such districts; to prescribe the organization, rights and powers of such districts; to prescribe limitations on such rights and powers; to provide for the levying of certain service charges; to repeal all conflicting statutes and to provide referendums.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Langford	
Bailey	Corbett	Foshee	Manley	
Barron	Covington	Hale	Menton	
Bedsole	deGraffenried	Hand	Parsons	
Bennett	Denton	Hilliard	Rice	
Bishop	Dial	Horn	Sanders	
Cabaniss	Dixon			—25

Nays: —0**BUDGET ISOLATION RESOLUTION**

Senator Dial, B. I. R., S. B. 250, adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Preuitt	
Bailey	Covington	Ellis	Rice	
Bedsole	deGraffenried	Goodwin	Sanders	
Bennett	Dial	Hale	Smith (B)	
Cabaniss	Dixon	Manley	Smith (J)	—19

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 250. To amend Section 40-12-240, Code of Alabama 1975, relating to definitions of motor vehicles, so as to define the portions of the definition of gross vehicle weight which are no longer applicable and to amend Section 40-12-248, Code of Alabama 1975, relating to taxes and fees on trucks and tractors, so as to reduce the annual license taxes and registration fees on certain trucks known as self-propelled campers or house cars.

was taken up.

Senator Dial requested and received unanimous consent to suspend the Rules in order to offer the following amendment to the Bill, S. B. 250, to-wit:

AMENDMENT TO S. B. 250

Amend Senate Bill No. 250 Page 10 Line 11, by striking out 1988 and add 1989

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Dixon	Rice	
Bailey	Covington	Ellis	Sanders	
Bedsole	deGraffenried	Hale	Smith (B)	
Cabaniss	Denton	Manley	Smith (J)	
Campbell	Dial	Preuitt		—18

Nays: —0

And said Bill, S. B. 250, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Dixon	Rice	
Bailey	Covington	Ellis	Sanders	
Bedsole	deGraffenried	Hale	Smith (B)	
Cabaniss	Denton	Manley	Smith (J)	
Campbell	Dial	Preuitt		—18

Nays: —0

MOTIONS IN WRITING

Senator Rice offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 130, on page 25 of the 9th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 130, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Bedsole offered the following Motions in Writing, to-wit:

I move that the Bill, S. B. 310, on page 55 of the 9th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, S. B. 309, on page 55 of the 9th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which were adopted, and the President and Presiding Officer of the Senate ordered said Bills, S. B.'s 310 and 309, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., S. B. 135, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Ellis	Rice	
Bedsole	Denton	Hale	Sanders	
Cabaniss	Dial	Hilliard	Smith (B)	
Campbell	Dixon	Manley	Smith (J)	
Covington	Drinkard	Preuitt		—18

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 135. To amend Section 13A-3-1, Code of Alabama 1975, relating to the defense of insanity or mental disease or defect, so as to define the defense; to specify the burden of proof; to specify the conduct to which this act applies; and to provide an effective defense.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Dixon	Preuitt	
Bedsole	Covington	Goodwin	Sanders	
Bennett	deGraffenried	Hale	Smith (B)	
Cabaniss	Denton	Manley	Smith (J)	
Campbell	Dial	Menton		—18

Nays:

—0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with

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the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 54. To repeal Sections 16-24A-1 through 16-24A-29 of the Code of Alabama 1975, as amended, known as the Alabama Performance-Based Career Incentive Program Act.

Also:

S. 125. To amend Act No. 87-554 enacted at the 1987 Regular Session of the Legislature of Alabama so as to insert in Subsection (1)b1(viii) thereof the appropriate reference to Act No. 87-550.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., S. B. 136, adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Covington	Ellis	Manley	
Bedsole	deGraffenried	Figures	Menton	
Bishop	Denton	Goodwin	Preuitt	
Cabaniss	Dial	Hale	Sanders	
Campbell	Dixon	Langford	Smith (B)	—19

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 136. To amend Section 25-4-78, Code of Alabama 1975, relating to disqualifications for benefits under Unemployment Compensation, so as to establish a new category of alien claimants eligible for unemployment benefits in conformance with the Immigration Reform and Control Act of 1986, PL 99-603; and to enumerate the categories of aliens eligible for benefits thereunder.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Preuitt	
Bedsole	Dial	Langford	Sanders	
Cabaniss	Dixon	Manley	Smith (B)	
Campbell	Figures	Menton	Smith (J)	
Corbett	Goodwin	Parsons		—18

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Bailey, B. I. R., S. B. 276, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Manley	
Bailey	Dial	Hale	Preuitt	
Bennett	Dixon	Hilliard	Sanders	
Campbell	Ellis	Holmes	Smith (B)	
Covington	Figures	Langford		—18
<i>Nays:</i>				—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 276. To provide for (a) the letter permitting of an operation of "commercial fee fishing ponds"; (b) the exemption of certain persons from otherwise applicable state fishing license requirements; (c) the prohibition of selling or offering to sell or trading or offering to trade any fish taken from said ponds, except as otherwise provided by law; and (d) to provide penalties for the violation thereof and rules and regulations promulgated pursuant thereto.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Menton	
Bailey	Dial	Hilliard	Preuitt	
Bennett	Dixon	Holmes	Sanders	
Campbell	Figures	Langford	Smith (B)	
Covington	Goodwin	Manley	Smith (J)	—19
<i>Nays:</i>				—0

BUDGET ISOLATION RESOLUTION

Senator Hand, B. I. R., S. B. 141, adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Manley	
Bailey	Dial	Hale	Menton	
Bennett	Dixon	Hilliard	Preuitt	
Cabaniss	Ellis	Holmes	Smith (B)	
Campbell	Figures	Langford	Smith (J)	—19
<i>Nays:</i>				—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 141. To amend section 11-88-6, Code of Alabama 1975, which provides for boards of directors of county and municipal water, sewer and fire

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., S. B. 139, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Dial	Hale	Preuitt	
Bedsole	Dixon	Hilliard	Sanders	
Cabaniss	Ellis	Langford	Smith (B)	
Campbell	Figures	Manley	Smith (J)	
deGraffenried	Goodwin	Menton		—18

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 139. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1987 Regular Session of the Legislature, as contained in the 1987 Cumulative Supplement to certain volumes of the Code and in the 1987 Replacement Volumes 7, 7A and 13 of the Code; to make corrections in certain volumes of such cumulative supplement and replacement volume 13; and to reorganize Article 5, Chapter 12, Title 13A, and Chapter 2, Title 20, as appearing in Volumes 12 and 14, respectively, of such cumulative supplement, so as to place the principal drug crime statutes in Title 13A, the Alabama Criminal Code.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Dial	Hale	Parsons	
Campbell	Dixon	Hilliard	Preuitt	
Corbett	Ellis	Langford	Sanders	
Covington	Figures	Manley	Smith (B)	
deGraffenried	Goodwin	Menton	Smith (J)	—19

Nays: —0

MOTIONS IN WRITING

Senator deGraffenried offered the following Motions in Writing, to-wit:

I move that the Bill, S. B. 292, on page 25 of the 9th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, S. B. 296, on page 19 of the 9th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which were adopted, and the President and Presiding Officer of the Senate ordered said Bills, S. B.'s 292 and 296, referred to the Standing Committee on Rules for placement on the Consent Calendar.

protection authorities, so as to provide further for the maximum amounts paid to such board members and chairmen for their meetings.

was taken up.

The Standing Committee on Commerce, Transportation, and Utilities, reported the following substitute for the Bill, S. B. 141, to-wit:

SUBSTITUTE FOR S. B. 141

A BILL TO BE ENTITLED AN ACT

To amend section 11-88-6, Code of Alabama 1975, which provides for boards of directors of county and municipal water, sewer and fire protection authorities, so as to provide further for the maximum amounts paid to such board members and chairmen for their meetings.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 11-88-6, Code of Alabama 1975, is hereby amended to read as follows:

“§11-88-6.

“Each authority shall be governed by a board of directors. All powers of the authority shall be exercised by the board or pursuant to its authorization.

“The board shall consist initially of three directors, elected, as soon as may be practicable after the organization of the authority, by the governing body of the determining county for staggered terms as follows: The first term of one director shall begin immediately upon his election and shall end at noon on March 1 of the next succeeding odd-numbered calendar year following his election; the first term of another director shall begin immediately upon his election and shall end at noon on March 1 of the second succeeding odd-numbered calendar year following his election; and the first term of the remaining director shall begin immediately upon his election and shall end at noon on March 1 of the third succeeding odd-numbered calendar year following his election. Thereafter, the term of office of each director shall be six years.

“If any amendment to the certificate of incorporation of the authority, effected pursuant to the provisions of section 11-88-5, shall increase the membership of the board, the board shall thereafter consist of such number of directors, elected by such governing bodies, as may be specified in the said amendment. The terms of office of any new directors added by any such amendment shall be so arranged that, taking into consideration the terms of office of the original three directors, the terms of office of approximately one-third of all directors (or as nearly one-third thereof as may be practicable) will end at noon on March 1 in each odd-numbered year following the effective date of the said amendment. The term of office of each new director, added by amendment as aforesaid, shall following the initial term of such new director be for a period of six years. If at any time there should be a vacancy on the board, a successor director to serve for the unexpired term applicable to such vacancy shall be elected by that governing body which elected the director whose unexpired term he is to fill. Each election of a director, whether for a full six year term or to complete an unexpired

term, shall be made not earlier than 30 days prior to the date on which such director is to take office as such. No officer of the state or of any county or municipality shall, during his tenure as such officer, be eligible to serve as a director.

"Each director elected by a county governing body must be a duly qualified elector of that county from which he was elected, or, if elected by a municipality of less than 2,000 inhabitants according to the most recent decennial census, such director must be a duly qualified elector of that county in which such municipality is located, or, if elected by a municipality of 2,000 or more inhabitants according to said census, such director must be a duly qualified elector of the municipality from which he was elected. Directors shall be eligible for reelection. Each director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. If the certificate of incorporation so provides, each director except the chairman of the board shall be compensated in an additional amount not to exceed ~~\$10.00~~ \$50.00 per meeting attended but not to exceed ~~\$250.00~~ \$800.00 per year. The chairman shall, if said certificate so provides, be compensated in an additional amount not to exceed ~~\$500.00~~ \$1500.00 per year.

"Any director of the authority may be impeached and removed from office in the same manner and on the same grounds provided by section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of the officers mentioned in said section 175."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This operation of this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Manley	
Bailey	Denton	Hale	Menton	
Bennett	Dial	Hilliard	Preuitt	
Cabaniss	Dixon	Holmes	Smith (B)	
Campbell	Figures	Langford	Smith (J)	—19

Nays: —0

And said Bill, S. B. 141, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 17; Nays 1.

Yeas:

Senators:	deGraffenried	Hale	Menton	
Bedsole	Denton	Hilliard	Preuitt	
Bennett	Dial	Langford	Smith (B)	
Cabaniss	Figures	Manley	Smith (J)	
Campbell	Goodwin			—17

Nay: Senator Corbett —1

MOTION IN WRITING

Senator Figures offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 427, on page 48 of the 9th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 427, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., S. B. 74, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Menton	
Bailey	Covington	Figures	Preuitt	
Bedsole	deGraffenried	Hale	Smith (B)	
Bennett	Denton	Langford	Smith (J)	
Cabaniss	Dixon	Manley		—18

Nays:

—0

SPECIAL ORDER**BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 74. Relating to the Alabama Sunset Law; to continue the existence and functioning of the real estate commission as provided in Sections 34-27-1 through 34-27-38, Code of Alabama 1975, with certain modifications; to amend Sections 34-27-3, 34-27-7, 34-27-8, 34-27-31, 34-27-32, 34-27-33, 34-27-34, 34-27-35, and 34-27-37, Code of Alabama 1975, so as to delete references to certain activities of nonresident real estate brokers pursuant to a stipulation of settlement of a United States District Court Order of the Middle District of Alabama, Northern Division (CA 87-T-335-N), styled "Georgia Association of Realtors vs. Alabama Real Estate Commission"; to limit commission members to two (2) consecutive terms of office; to add two (2) additional members to the commission; to require senate confirmation of appointees; to require the rules of the commission be adopted pursuant to the state administrative procedure statutes; and to provide further for the educational requirements, testing requirements and other requirements of the licensees of the board; and to provide further for rehearings of actions of the board.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, S. B. 74, to-wit:

SUBSTITUTE FOR S. B. 74**A BILL
TO BE ENTITLED
AN ACT**

Relating to the Alabama Sunset Law; to continue the existence and functioning of the real estate commission as provided in Sections 34-27-1

through 34-27-38, Code of Alabama 1975, with certain modifications; to amend Sections 34-27-3, 34-27-7, 34-27-8, 34-27-31, 34-27-32, 34-27-33, 34-27-34, 34-27-35, and 34-27-37, Code of Alabama 1975, so as to delete references to certain activities of nonresident real estate brokers pursuant to a stipulation of settlement of a United States District Court Order of the Middle District of Alabama, Northern Division (CA 87-T-335-N), styled "Georgia Association of Realtors vs. Alabama Real Estate Commission"; to limit the original seven members of the commission to two (2) consecutive terms of office; to limit the commission's travel and per diem to the rate paid to state employees; to add two (2) additional members to the commission, one of whom shall be a black voting member appointed at large from among the U. S. Congressional Districts on a rotating basis, and one who shall be a consumer member who shall not vote except in case of a tie and who shall be limited to one (1) term of office of five (5) years; to require the rules of the commission be adopted pursuant to the state administrative procedure statutes; to provide that an aggrieved party may recover from the commission's recovery fund only for damages sustained within the state; and to provide further for the educational requirements, testing requirements and other requirements of the licensees of the board; and to provide further for rehearings of actions of the board for newly discovered evidence or testimony which is timely presented.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties and recommends the continuance of the real estate commission created and functioning pursuant to Sections 34-27-1 through 34-27-38, Code of Alabama 1975, with the additional recommendations for statutory changes of the commission as set out in Section 3 hereof.

Section 2. The existence and functioning of the real estate commission, created pursuant to Sections 34-27-1 through 34-27-38, Code of Alabama 1975, are hereby continued, and said code sections are hereby expressly preserved.

Section 3. Sections 34-27-3, 34-27-7, 34-27-8, 34-27-31, 34-27-32, 34-27-33, 34-27-34, 34-27-35, and 34-27-37, Code of Alabama 1975, are hereby amended to read as follows:

"§34-27-3.

~~"(a) It shall be unlawful for any person, partnership or corporation who is not a resident of Alabama to perform any of the acts described in section 34-27-30; except, that a~~ A licensed broker of another state may act as co-broker with a licensed broker of this state by executing a written agreement specifying each parcel of property covered by the agreement if the state in which the nonresident broker is licensed offers the same privileges to licensees of this state.

~~"(b) Whenever an Alabama broker enters into a co-brokerage agreement with a nonresident broker to perform in Alabama any of the acts described in section 34-27-30 the Alabama broker shall file within 10 days with the commission a copy of each such written agreement. By signing the agreement, the nonresident broker agrees to abide by Alabama law, and the rules and regulations of the commission; and further agrees that civil actions may be commenced against him in any court of competent jurisdiction in any county of this state in which a claim may arise.~~

"§34-27-7.

"(a) There is hereby created the Alabama real estate commission. The commission shall consist of ~~seven~~ nine members appointed by the governor with the advice and consent of the senate as hereinafter provided. Appointments made at times when the senate is not in session shall be effective ad interim. Any appointment made by the governor while the senate is in session must be submitted to the senate not later than the third legislative day following the date of appointment; any appointment made while the senate is not in session shall be submitted not later than the third legislative day following the reconvening of the legislature.

"(b) Ad interim appointments may be made by the governor when the legislature is not in session only for vacancies occurring by reason of death or resignation of a board member. Ad interim appointments must be confirmed by the senate at the next following regular or special session of the legislature and failure by the senate to so confirm shall result in a vacancy on the board which shall be filled by appointment by the governor and confirmation by the senate while the legislature is in session. Any such vacancy not acted upon shall remain a vacancy until it is filled at a subsequent session of the legislature in the manner herein prescribed.

"(c) Each of the original ~~seven~~ appointee appointees and their successors shall have been a resident and citizen of this state for at least 10 years prior to his appointment and whose vocation for at least 10 years shall have been that of a real estate broker or real estate salesman. No person convicted of a violation of any federal or state real estate license law shall be eligible to serve. Not more than one member from any congressional district shall be appointed to serve at the same time. The members of the commission shall serve five-year terms. Each member shall hold office until his successor is appointed and qualified. On and after the effective date of this act, no member shall serve for more than two (2) consecutive terms of office, except, however, each member shall hold office until his successor is appointed and confirmed by the senate. The period of time any member serves after the expiration of his term of office while awaiting the appointment and senate confirmation of his successor shall not be considered as a consecutive term of office in determining the two (2) consecutive terms of office limitation herein provided. All appointments shall expire on September 30 of the final year of a term, or on the date a successor to the member is appointed and qualified. If a member does not serve his full term, the governor shall appoint, subject to confirmation by the senate, a member to serve the unexpired portion of the term.

"(d) On September 30, 1988, the governor shall appoint two (2) new members to the commission, subject to the confirmation of the senate as follows: one (1) member shall be a black member who meets all of the other requirements of subsection (c) hereof, who shall serve no more than two (2) consecutive terms of office, who shall be a full voting member, and who may be appointed from any congressional district in the state, provided that each successor black member shall be appointed from a different congressional district, to be rotated equally among the remaining congressional districts; and one (1) member who shall be a consumer who is a resident of this state who is not a licensee of the board, and whose spouse, if married, is not a licensee of the board. The consumer member and his successors shall be limited to one (1) term of office of five (5) years each. The consumer member shall have no vote on the commission except in the case of a tie vote, in which case the consumer member shall not abstain, but shall cast the deciding vote.

“(b) (e) On the appointment of a new commissioner, the commission shall meet and select from its members a chairman.

“(e) (f) Each member of the commission shall receive as full compensation \$300.00 per month and ~~his actual and necessary expenses incurred in performing his official duties.~~ The members of the commission, its staff and attorneys shall be reimbursed for their actual expenses for travel on official business of the commission within or without the state of Alabama receive the same per diem and travel allowance as is paid to state employees for each day they meet to conduct the official business of the commission.

“(d) (g) The commission may employ an executive director and an assistant executive director, both of whom shall be exempted from the classified service under the general laws of the state, and such other staff members as are necessary to discharge its duties and administer this chapter. The assistant executive director shall act as and have authority of the executive director in his absence. The commission shall determine the duties and fix the compensation of the executive director, assistant executive director, and other staff members, subject to the general laws of the state.

“(e) (h) The commission shall adopt a seal by which it shall authenticate records and documents. Copies of all records and documents in the office of the commission duly certified and authenticated by the seal of the commission shall be received in evidence in all courts equally and with like effect as the original. All public records kept in the office of the commission shall be open to public inspection during reasonable hours and under reasonable circumstances.

“(f) (i) No commissioner shall be liable for damages resulting from any act performed in carrying out his duties as a commissioner.

“§34-27-8.

“The commission may act by a majority of its members, and is authorized and empowered to adopt and enforce all rules and regulations pursuant to the state administrative procedure statutes as are necessary for the administration of the provisions of this chapter, and to otherwise do all things necessary and convenient for effecting the provisions of this chapter.

“§34-27-31.

“(a) The commission is authorized and directed to establish and maintain a recovery fund from which an aggrieved party may recover actual or compensatory damages, not including interest and court costs, sustained only within the State of Alabama as a result of conduct of a broker or salesman in violation of a provision of article 1 or 2 of this chapter or the rules and regulations of the commission.

“(b) Notwithstanding any other provision, payments from the recovery fund are subject to the following conditions and limitations:

“(1) The fund shall not be obligated for the acts or omissions of a broker or salesman while acting on his own behalf or on behalf of his child or spouse or parent regarding property in which he or his spouse or child or parent has, or is attempting to acquire, an interest; or for the acts or omissions of an inactive licensee; or for the acts or omissions of a corporation, branch office or partnership except through its licensed salesmen and brokers as individuals. Nor shall the fund be obligated for any judgment or settlement resulting from an act or omission of a broker or salesman committed in conjunction with the marketing or development of a time-sharing project.

“(2) Payments for claims based on judgments or settlements against any one person shall not exceed \$50,000.00 in the aggregate.

“(3) Payments for claims arising out of the same transaction shall not exceed \$25,000.00 in the aggregate, regardless of the number of claimants.

“(4) The fund shall not be liable for payments to a licensee or bonding company unless the licensee or bonding company was a principal party to a real estate transaction on which the judgment was based.

“(c) When any person makes application for an original license as a broker or salesman, he shall pay, in addition to all other fees, a fee of \$30.00 for deposit in the recovery fund. In the event the commission does not issue the license, this fee shall be returned to the applicant.

“(d) When the balance remaining in the recovery fund is less than \$500,000.00, each broker and salesman shall on order of the commission pay a fee of \$30.00 per license for deposit in the recovery fund. A licensee on inactive status shall not be required to contribute to the fund at that time; however, he shall pay a fee of \$30.00 at the time his license is activated.

“(e)(1) When an aggrieved person commences action for a judgment which may result in collection from the recovery fund, the aggrieved person shall notify the commission in writing, by certified mail, return receipt requested, to this effect at the time of the commencement of the action.

“(2) When the commission receives the notice described in subdivision (e)(1), the commission may enter an appearance, file pleadings and motions, appear at court hearings, defend the action or take whatever other action it deems appropriate either on the behalf and in the name of the defendant or in its own name. The commission may also take any appropriate method of review either on behalf and in the name of the defendant or in its own name. The commission may settle or compromise the claim. Any expenses incurred by the commission in defending, satisfying or settling any claim shall be paid from the recovery fund.

“(3) When an aggrieved person recovers a valid judgment in a court of competent jurisdiction against a broker or salesman on the grounds described in subsection (a) above, which occurred on or after October 1, 1979, the aggrieved person may, on the termination of all proceedings, including reviews and appeals in connection with the judgment, file a verified claim in the court in which the judgment was entered and, on 10 days' written notice to the commission, may apply to the court for an order directing payment out of the recovery fund of the amount unpaid on the judgment.

“(4) The court shall proceed on such application forthwith and, on hearing, the aggrieved person shall be required to show that:

“a. He is not the spouse, child or parent of the debtor, or the personal representative of the spouse, child or parent;

“b. He has obtained a judgment, as described in subdivision (3) of subsection (e) of this section, stating the amount of the judgment and the amount owing on the judgment at the date of the application, and, that in such action, he had joined any and all bonding companies which issued corporate surety bonds to the judgment debtor as principal and all other necessary parties;

"c. The following items, if recovered by him, have been applied to the actual compensatory damages awarded by the court:

- "1. Any amount recovered from the judgment debtor;
- "2. Any amount recovered from bonding companies;
- "3. Any amount recovered in out-of-court settlements.

"(5) The court shall order that the recovery fund pay whatever sum it finds due under the provisions and limitations of this section.

"(6) Should the commission pay from the recovery fund any amount in settlement of a claim or toward satisfaction of a judgment against a licensee, all licenses of the licensee may be terminated by the commission. The commission may refuse to issue a new license to the former licensee until he has repaid in full, plus interest at the rate of 12 percent a year, the amount paid from the recovery fund. A discharge in bankruptcy shall not relieve a person from the penalties and disabilities provided in this section.

"(7) If the balance in the recovery fund is insufficient to satisfy a duly authorized claim or portion of a claim, the commission shall, when sufficient money has been deposited in the recovery fund, satisfy the unpaid claims or portions, plus interest at the rate of 12 percent a year in the order that the claims were originally filed.

"(f) The sums received by the commission pursuant to the provisions of this section shall be deposited into the state treasury and held in a special fund to be known as the real estate recovery fund, and shall be held by the commission in trust for carrying out the purposes of the recovery fund. These sums may be invested by the state treasurer in any investments which are legal for domestic life insurance companies under the laws of this state. Any interest or other income from investments of the recovery fund shall be deposited in equal shares, as it accrues, into the general fund of the state treasury and the commission fund.

"(g) When, on order of the court, the commission has paid from the recovery fund any sum, the commission shall be subrogated to all the rights of the judgment creditor, and all his right, title and interest in the judgment, to the extent of the amount paid from the recovery fund, shall thereby be assigned to the commission. Any amount and interest recovered by the commission on the judgment shall be deposited to the fund.

"(h) The failure of an aggrieved person to strictly comply with all of the provisions of this section shall constitute a waiver of any rights under this section.

"(i) Each licensee shall notify the commission within 10 days after notice to him of the institution of any criminal prosecution against him, or of a civil summons and complaint against him, if the subject matter of the civil complaint involves a real estate transaction or involves the goodwill of an existing real estate business. The notification shall be in writing by certified mail and must include a copy of the summons and complaint or, if a criminal charge, the specific charge made against him together with a copy of any indictment or information alleging the charges.

"(j) Each licensee shall notify the commission in writing by certified mail within 10 days after he receives notice that any criminal verdict has been rendered against him, or that a criminal action pending against him

has been dismissed, or that a civil action in which he was a defendant and which involved a real estate transaction or the goodwill of a real estate business has resulted in a judgment or been dismissed. The notification shall be in writing and must include a copy of the court order or other document giving the licensee notice.

“§34-27-32.

“(a) A license for a broker or a salesman shall be issued only to, and held only by, a person:

“(1) Who is trustworthy and competent to transact the business of a broker or salesman in a manner that safeguards the interest of the public;

“(2) Whose application or license has not been rejected or revoked in any state within two years prior to date of application on any grounds other than failure to pass a written examination. Any applicant whose license has been revoked must meet all the requirements imposed on an original applicant for a license and shall not be relicensed without the approval of the commissioners;

“(3) Who is at least 19 years old;

“(4) Who is a citizen of the United States or is an alien with permanent resident status; and

“(5) ~~Who is a resident of Alabama. Provided that one who obtains an Alabama license while a resident may retain it on inactive status if he should no longer be an Alabama resident.~~ Who if a nonresident, agrees to sign an affidavit stating the following and in the following form:

“I, as a nonresident applicant for a real estate license and as a licensee, agree that the Alabama Real Estate Commission shall have jurisdiction over me in any and all of my real estate related activities the same as if I were an Alabama resident licensee. I agree to be subject to investigations and disciplinary actions the same as Alabama resident licensees. Further, I agree that civil actions may be commenced against me in any court of competent jurisdiction in any county of the State of Alabama.

“I hereby appoint the Executive Director or the Assistant Executive Director of the Alabama Real Estate Commission as my agent upon whom all disciplinary, judicial, or other process or legal notices may be served. I agree that such service upon my said agent shall be the same as service upon me and that certified copies of this appointment shall be deemed sufficient evidence thereof and shall be admitted into evidence with the same force and effect as the original might be admitted. I agree that any lawful process against me which is served upon my said agent shall be of the same legal force and validity as if personally served upon me and that this appointment shall continue in effect for as long as I have any liability remaining in the State of Alabama. I understand that my said agent shall, within a reasonable time after service upon him or her, mail a copy of same by certified mail, return receipt requested, to me at my last known business address.

“I agree that I am bound by all the provisions of the Alabama Real Estate License Law the same as if I were a resident of the State of Alabama.

Legal Signature of Applicant'

"The commission may, in its discretion, reject the application of any person who has been convicted of or pleaded guilty or nolo contendere to a felony or a crime involving moral turpitude.

"(b) A person desiring to be a real estate broker in this state must apply for a broker's license on a form prescribed by the commission. Along with the application, he shall submit:

"(1) Proof that he has had an active real estate ~~broker's or salesman's~~ license in ~~Alabama any state~~ for at least 24 months of the 36 month period immediately preceding the date of application,

"(2) Proof that he is a high school graduate or the equivalent,

"(3) Proof that he has completed a course in real estate approved by the commission, ~~and which will be a minimum of eight (8) weeks in length, which will meet at least once a week, which will contain a minimum of forty-five (45) classroom hours. This course must be taught by an instructor who has had approval of the Alabama Real Estate Commission prior to an approved pre-license course and shall be taught within the State of Alabama. No waiver may be granted for any reason concerning the educational requirements herein required. In addition, the applicant shall provide:~~

"(4) Any other information requested by the commission.

"In lieu of the requirements of subdivisions (1) and (3) hereof, the applicant may furnish proof that he has successfully completed at least 15 semester hours or its equivalent in real estate courses approved by the commission.

"(c) A person desiring to be a real estate salesman in this state must apply for a salesman's license with the commission on a form prescribed by the commission. Along with the application he must furnish:

"(1) Proof that he is a high school graduate or the equivalent,

"(2) Proof that he has successfully completed a course in real estate approved by the commission, ~~and which will be a minimum of eight (8) weeks in length, which will meet at least once a week, which will contain a minimum of forty-five (45) classroom hours. This course must be taught by an instructor who has had approval of the Alabama Real Estate Commission prior to an approved pre-license course and shall be taught within the State of Alabama. No waiver may be granted for any reason concerning the educational requirements herein required. In addition, the applicant shall provide:~~

"(3) Any other information required by the commission.

"(d) An application for a company license for a corporation, partnership or branch office shall be made by a qualifying broker on a form prescribed by the commission. The qualifying broker must be an officer, partner or employee of the company.

"~~(e)~~ An applicant for a company or broker license must maintain a place of business in the State of Alabama.

~~"(e)~~ (f) If the applicant for a company or broker license maintains more than one place of business in the state, he must have a company license for each separate location or branch office. Every application shall state the location of the branch office and the name of its qualifying broker. Each

branch office shall be under the direction and supervision of a qualifying broker licensed at that address. No person may serve as qualifying broker at more than one location. The qualifying broker for the branch office and the qualifying broker for the corporation, partnership, or sole proprietorship shall share equal responsibility for the real estate activities of all licensees assigned to the branch office.

"(f) (g) No person may be qualifying broker for more than one company or for a company and on his own behalf unless:

"(1) All companies for which he is and proposes to be the qualifying broker consent in writing, and

"(2) He files a copy of the written consent with the commission, and

"(3) He will be doing business from the same location.

"A person licensed under a qualifying broker may be engaged by one or more companies with the same qualifying broker.

"(g) (h) A company license shall become invalid on the death or disability of a qualifying broker. Within 30 days after the death or disability, the corporation, or the remaining partners or the successor partnership, if any, may designate another of its officers, members or salesmen to apply for a license as temporary qualifying broker. The person designated as temporary qualifying broker either must be a broker or must have been a salesman for at least one year prior to filing the application. If the application is granted, the company may operate under that broker for no more than six months after the death or disability of its former qualifying broker. Unless the company designates a fully licensed broker as the qualifying broker within the six months, the company license shall be classified inactive by the commission.

"§34-27-33.

"(a) In addition to other requirements of this chapter, every applicant for a broker's or salesman's license shall submit to a reasonable written examination. The commission shall conduct examinations at such places and times as it shall prescribe. The commission is authorized to contract with an independent testing agency to prepare, grade or conduct this examination. The fee shall be \$75.00 for each examination taken by the applicant, and no refund shall be made if an applicant fails the examination. The examination fee shall be paid by certified check, cashier's check, or money order. If an applicant is scheduled and issued a written permit for an examination and fails to appear, one-half of the examination fee will be forfeited.

"(b) The applicant shall have 60 days after passing the examination to secure a qualifying broker or to have his license classified as inactive; otherwise, he must meet all requirements of an original applicant. In order to obtain an active license, the applicant's qualifying broker must sign and submit to the commission a sworn statement that the salesman is in his opinion honest, trustworthy, and of good reputation and that he accepts responsibility for the actions of such salesman as set out in section 34-27-31. The applicant's qualifying broker must be licensed in Alabama and must maintain a place of business in the State of Alabama.

"(c) On passing the examination and complying with all other conditions for licensure, a license certificate shall be issued to the applicant. The applicant is not licensed until he or his qualifying broker actually receives the license certificate.

“§34-27-34.

“(a)(1) A broker may serve as qualifying broker for a salesman or associate broker only if he is licensed in Alabama and his principal business is that of a real estate broker and he will be in a position to actually supervise the real estate activities of the associate broker or salesman on a full-time basis, and he must maintain a place of business in Alabama.

“(2) A salesman or associate broker may not perform acts for which a license is required unless licensed under a qualifying broker. A qualifying broker shall be held responsible to the commission and to the public for all acts governed by this chapter of each salesman and associate broker licensed under him and of each company for which he is the qualifying broker. It shall be the duty of the qualifying broker to see that all transactions of every licensee engaged by him or any company for which he is the qualifying broker comply with the provisions of this chapter. Additionally, the qualifying broker shall be responsible to an injured party for the damage caused by any violation of this chapter by any licensee engaged by the qualifying broker. This subsection does not relieve a licensee from liability that he would otherwise have.

“(b) Any salesman or associate broker who desires to change his qualifying broker shall give notice in writing to the commission, and shall send a copy of the notice to his qualifying broker. The new qualifying broker must file with the commission a request for the transfer and a statement assuming liability for the licensee. On payment of a fee of \$25.00, a new license certificate shall be issued to the salesman or associate broker for the unexpired term of the original license. No license transfer shall be made during September of the final year of a license period except in case of undue hardship.

“(c) A person who wishes to terminate his status as qualifying broker for a licensee may do so by notifying the licensee and the commission in writing and sending the licensee's license certificate to the commission or verifying in writing to the commission that the certificate has been lost or destroyed.

“(d) A person who wishes to terminate his status as a qualifying broker for a company may do so by submitting written notice to the company or qualifying broker of the parent company and the commission.

“(e) A salesman or associate broker shall not perform any act for which a license is required after his association with his qualifying broker has been terminated, or if he changes qualifying brokers, until a new active license has been issued by the commission.

“§34-27-35.

“(a) The commission shall prescribe the form and content of license certificates issued. Each qualifying broker's license certificate shall show the name and business address of the broker. The license certificate of each active salesman or associate broker shall show his name and the name and address of his qualifying broker. The license certificate of each active salesman or associate broker shall be delivered or mailed to his qualifying broker. Each license certificate shall be kept by the qualifying broker and shall be publicly displayed at the address which appears on the license certificate.

“(b) The commission shall have the authority, at its discretion, to establish a one-year or multi-year license period.

“(c) The original fee for a broker’s license shall be \$35.00 per year for each year or portion of a year remaining in the respective license period, and the renewal fee for a broker’s license shall be \$35.00 per year for each year of the license period. The original fee for each salesman’s license shall be \$25.00 per year for each year or portion of a year remaining in the respective license period, and the renewal fee for each salesman’s license shall be \$25.00 per year for each year of the license period. The original fee for each company license shall be \$25.00 per year for each year or portion of a year remaining in the respective license period, and the renewal fee for each such license shall be \$25.00 per year for each year of the license period.

“(d) The license of a salesman who is subsequently issued a broker’s license automatically terminates upon the issuance of his broker’s license certificate; therefore he must return his salesman’s license certificate to the commission in order for his broker’s license to be issued. If the salesman’s license is so terminated during a year prior to the final year of a multi-year license period, the licensee will receive a refund equal to the license fee paid for each full year remaining in the respective license period. However, no refund shall be made of any penalty fee or recovery fund deposit pertaining to the salesman’s license.

“(e) The commission shall prescribe a license renewal form, which must accompany renewal fees and must be filed on or before August 31 of the final year of each license period in order for the respective license to be renewed on a timely basis for the following license period. Licensees who renew during the period from September 1 of the final year of a license period through October 31 of the initial year of the following license period, shall pay a penalty of \$15.00 in addition to the license fee. Any licensee renewing during the period from November 1 through September 30 of the initial year of a license period shall pay the required license fee, plus a penalty of \$65.00.

“(f) The renewal form shall be mailed by the commission to the licensee’s place of business, if an active licensee, or to his residence if an inactive licensee, prior to August 1 of the final year of each license period. Each licensee must notify the commission in writing of any change in his business or residence address within 30 days of the change.

“(g) Every license shall expire at midnight on September 30 of the final year of each license period. An expired license may be renewed during the 12-month period following the license period for which the license was current. A licensee who fails to file a renewal form or a request for an inactive classification before the end of the 12-month period following the license period for which the license was issued shall be subject to all requirements applicable to persons who have never been licensed.

“(h)(1) Each applicant for renewal of a salesman or broker license issued by the commission shall, on or before the expiration date of his/her license, submit proof of completion of not less than 12 clock hours of approved course work to the commission, in addition to any other requirements for renewal. Provided, however, that proof of attendance at such course work, whether or not the applicant attained a passing grade in such course, shall be sufficient to satisfy requirements for renewal. The 12 clock hours’ course work requirement shall apply to each two-year license renewal, and hours in excess thereof shall not be cumulated or credited for the purpose of subsequent license renewals. The commission shall develop standards for approval of courses, and shall require certification of such course work of the applicant.

"(2) This section shall apply to renewals of licenses which expire after September 30, 1986; however, an applicant for first renewal who has been licensed for not more than one year shall not be required to comply with this section for the first renewal of the applicant's license. Any licensee who is 65 years of age or greater shall be exempt from this section.

"(3) The commission shall promulgate rules and regulations as necessary to accomplish the purpose of this section in accordance with the Alabama Administrative Procedure Act.

"(i)(1) A licensee may request that the commission classify his license as inactive. Inactive licenses will be held at the commission office until activated. No act for which a license is required may be performed under an inactive license.

~~"(2) The active license of any licensee who changes residence from Alabama to another state or country shall become inactive immediately upon the change of residence. The licensee must submit his license certificate to the commission within 20 days of the change of residence.~~

~~"(3)~~ (2) Any licensee whose license has been inactive for more than 50 percent of the 24 months immediately preceding the date he proposes that the license be activated shall not be able to activate his license without first providing proof to the commission that he has successfully completed a refresher course approved by the commission. Time spent in such courses shall not be credited toward the clock hours required for license renewal nor shall they be credited toward meeting the education requirements for obtaining an original broker's license.

"§34-27-37.

"(a) An action against an accused shall begin by serving the accused either personally or by certified mail with a copy of the formal complaint against him. The accused shall be given at least 15 days' notice of the time, date and place of hearing. If the commission refuses to license an applicant, notice of the refusal shall be given to the applicant, and he may, within 15 days after delivery of the notice, file a request for a hearing. The applicant or accused shall have an opportunity to be heard in person or by counsel, to offer testimony in his behalf and to examine witnesses. Hearings shall be held in the county in which the applicant resides or in which the accused maintains his principal place of business, unless the applicant or accused agrees to be heard in another county. If the accused does not maintain his place of business in Alabama, then the hearing shall be held in his county of residence. If the accused neither resides or maintains a place of business in Alabama, the hearing shall be held in Montgomery county. At hearings, all witnesses shall be sworn by a member of the commission, the executive director, the assistant executive director, or a hearing officer. The commission shall render a written order within 30 days from the final date of hearing. If the matter alleged in the complaint is the subject of an action pending in any court, the commission may withhold rendering or implementing its order pending disposition of the court action.

"(b) The commission may issue subpoenas for the attendance of witnesses and the production of records and documents, either at the instance of the commission or the accused. The process issued by the commission shall extend to all parts of the state, and such process shall be served by a person designated by the commission or by mailing the process by certified mail. A subpoenaed witness who appears in a proceeding before the commission shall receive fees, mileage and expense allowances as authorized by

the commission. All fees, mileage and expense payments shall be taxed against the party or parties subpoenaing the witness.

“(c) If in a proceeding before the commission, a subpoenaed witness fails or refuses to attend or refuses to testify or fails or refuses to produce subpoenaed documents or records, his attendance and testimony or the production of the documents and records shall be enforced by any circuit court of this state, in the same manner as the attendance and testimony of witnesses is enforced in civil cases.

“(d) An accused, applicant or other party to a case heard by the commission who is aggrieved by a final decision, may file an application for rehearing specifying grounds for relief within ~~15~~ 30 days of receiving notice of the decision.

“(e) The commission shall hold a rehearing when newly discovered evidence or testimony is timely presented by an aggrieved, accused applicant, or other party. Provided further, that An application for rehearing does not modify the effective date of the decision and is appropriate, in addition to the grounds for a mandatory rehearing for newly discovered evidence or testimony as hereinabove stated, only if the final decision is:

“(1) In violation of constitutional or statutory provisions;

“(2) In excess of the statutory authority of the commission;

“(3) In violation of a commission rule;

“(4) Made upon unlawful procedure;

“(5) Affected by other error of law;

“(6) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or

“(7) Unreasonable, arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

“(f) Within 30 days from the filing of the application for rehearing the commission shall set a hearing date on the application, or shall enter an order without a hearing, or shall grant or deny the application. If the applicant is granted a rehearing, the commission will schedule a rehearing as soon as practicable. If the commission does not enter an order within 30 days from the filing of the application for rehearing, the application shall be deemed to be denied.”

Section 4. The legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2 and 3 hereof.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Corbett, said substitute was laid on the table.

Senator Corbett then offered the following substitute for the Bill, S. B. 74, to-wit:

SUBSTITUTE FOR S. B. 74

**A BILL
TO BE ENTITLED
AN ACT**

Relating to the Alabama Sunset Law; to continue the existence and functioning of the real estate commission as provided in Sections 34-27-1 through 34-27-38, Code of Alabama 1975, with certain modifications; to amend Sections 34-27-3, 34-27-7, 34-27-8, 34-27-31, 34-27-32, 34-27-33, 34-27-34, 34-27-35, and 34-27-37, Code of Alabama 1975, so as to delete references to certain activities of nonresident real estate brokers pursuant to a stipulation of settlement of a United States District Court Order of the Middle District of Alabama, Northern Division (CA 87-T-335-N), styled "Georgia Association of Realtors vs. Alabama Real Estate Commission"; to limit the original seven members of the commission to two (2) consecutive terms of office; to limit the commission's travel and per diem to the rate paid to state employees; to add two (2) additional members to the commission, one of whom shall be a black voting member appointed at large from among the U. S. Congressional Districts on a rotating basis, and one who shall be a consumer member who shall not vote except in case of a tie and who shall be limited to one (1) term of office of five (5) years; to require the rules of the commission be adopted pursuant to the state administrative procedure statutes; to provide that an aggrieved party may recover from the commission's recovery fund only for damages sustained within the state; and to provide further for the educational requirements, testing requirements and other requirements of the licensees of the board; and to provide further for rehearings of the board.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties and recommends the continuance of the real estate commission created and functioning pursuant to Sections 34-27-1 through 34-27-38, Code of Alabama 1975, with the additional recommendations for statutory changes of the commission as set out in Section 3 hereof.

Section 2. The existence and functioning of the real estate commission, created pursuant to Sections 34-27-1 through 34-27-38, Code of Alabama 1975, are hereby continued, and said code sections are hereby expressly preserved.

Section 3. Sections 34-27-3, 34-27-7, 34-27-8, 34-27-31, 34-27-32, 34-27-33, 34-27-34, 34-27-35, and 34-27-37, Code of Alabama 1975, are hereby amended to read as follows:

"§34-27-3.

~~"(a) It shall be unlawful for any person, partnership or corporation who is not a resident of Alabama to perform any of the acts described in section 34-27-30; except, that a~~ A licensed broker of another state may act as co-broker with a licensed broker of this state by executing a written agreement specifying each parcel of property covered by the agreement if the state in

which the nonresident broker is licensed offers the same privileges to licensees of this state.

“(b) Whenever an Alabama broker enters into a co-brokerage agreement with a nonresident broker to perform in Alabama any of the acts described in section 34-27-30 the Alabama broker shall file within 10 days with the commission a copy of each such written agreement. By signing the agreement, the nonresident broker agrees to abide by Alabama law, and the rules and regulations of the commission; and further agrees that civil actions may be commenced against him in any court of competent jurisdiction in any county of this state in which a claim may arise.

“§34-27-7.

“(a) There is hereby created the Alabama real estate commission. The commission shall consist of ~~seven~~ nine members appointed by the governor with the advice and consent of the senate as hereinafter provided. Appointments made at times when the senate is not in session shall be effective ad interim. Any appointment made by the governor while the senate is in session must be submitted to the senate not later than the third legislative day following the date of appointment; any appointment made while the senate is not in session shall be submitted not later than the third legislative day following the reconvening of the legislature.

“(b) Ad interim appointments may be made by the governor when the legislature is not in session only for vacancies occurring by reason of death or resignation of a board member. Ad interim appointments must be confirmed by the senate at the next following regular or special session of the legislature and failure by the senate to so confirm shall result in a vacancy on the board which shall be filled by appointment by the governor and confirmation by the senate while the legislature is in session. Any such vacancy not acted upon shall remain a vacancy until it is filled at a subsequent session of the legislature in the manner herein prescribed.

“(c) Each of the original seven ~~appointee~~ appointees and their successors shall have been a resident and citizen of this state for at least 10 years prior to his appointment and whose vocation for at least 10 years shall have been that of a real estate broker or real estate salesman. No person convicted of a violation of any federal or state real estate license law shall be eligible to serve. Not more than one member from any congressional district shall be appointed to serve at the same time. The members of the commission shall serve five-year terms. ~~Each member shall hold office until his successor is appointed and qualified. On and after the effective date of this act, no member shall serve for more than two (2) consecutive terms of office, except, however, each member shall hold office until his successor is appointed and confirmed by the senate. The period of time any member serves after the expiration of his term of office while awaiting the appointment and senate confirmation of his successor shall not be considered as a consecutive term of office in determining the two (2) consecutive terms of office limitation herein provided.~~ All appointments shall expire on September 30 of the final year of a term, or on the date a successor to the member is appointed and qualified confirmed. If a member does not serve his full terms, the governor shall appoint, subject to confirmation by the senate, a member to serve the unexpired portion of the term.

“(d) On September 30, 1988, the governor shall appoint two (2) new members to the commission, subject to the confirmation of the senate as follows: one (1) member shall be a black member who meets all of the other

requirements of subsection (c) hereof, who shall serve no more than two (2) consecutive terms of office, who shall be a full voting member, and who may be appointed from any congressional district in the state, provided that each successor black member shall be appointed from a different congressional district, to be rotated equally among the remaining congressional districts; and one (1) member who shall be a consumer who is a resident of this state who is not a licensee of the board, and whose spouse, if married, is not a licensee of the board. The consumer member and his successors shall be limited to one (1) term of office of five (5) years each. The consumer member shall have no vote on the commission except in the case of a tie vote, in which case the consumer member shall not abstain, but shall cast the deciding vote.

“(b) (e) On the appointment of a new commissioner, the commission shall meet and select from its members a chairman.

“(e) (f) Each member of the commission shall receive as full compensation \$300.00 per month ~~and his actual and necessary expenses incurred in performing his official duties.~~ The members of the commission, its staff and attorneys shall be reimbursed for their actual expenses for travel on official business of the commission within or without the state of Alabama receive the same per diem and travel allowance as is paid to state employees for each day they meet to conduct the official business of the commission.

“(d) (g) The commission may employ an executive director and an assistant executive director, both of whom shall be exempted from the classified service under the general laws of the state, and such other staff members as are necessary to discharge its duties and administer this chapter. The assistant executive director shall act as and have authority of the executive director in his absence. The commission shall determine the duties and fix the compensation of the executive director, assistant executive director, and other staff members, subject to the general laws of the state.

“(e) (h) The commission shall adopt a seal by which it shall authenticate records and documents. Copies of all records and documents in the office of the commission duly certified and authenticated by the seal of the commission shall be received in evidence in all courts equally and with like effect as the original. All public records kept in the office of the commission shall be open to public inspection during reasonable hours and under reasonable circumstances.

“(f) (i) No commissioner shall be liable for damages resulting from any act performed in carrying out his duties as a commissioner.

“§34-27-8.

“The commission may act by a majority of its members, and is authorized and empowered to adopt and enforce all rules and regulations pursuant to the state administrative procedure statutes as are necessary for the administration of the provisions of this chapter, and to otherwise do all things necessary and convenient for effecting the provisions of this chapter.

“§34-27-31.

“(a) The commission is authorized and directed to establish and maintain a recovery fund from which an aggrieved party may recover actual or compensatory damages, not including interest and court costs, sustained only within the State of Alabama as a result of conduct of a broker or salesman

in violation of a provision of article 1 or 2 of this chapter or the rules and regulations of the commission.

“(b) Notwithstanding any other provision, payments from the recovery fund are subject to the following conditions and limitations:

“(1) The fund shall not be obligated for the acts or omissions of a broker or salesman while acting on his own behalf or on behalf of his child or spouse or parent regarding property in which he or his spouse or child or parent has, or is attempting to acquire, an interest; or for the acts or omissions of an inactive licensee; or for the acts or omissions of a corporation, branch office or partnership except through its licensed salesmen and brokers as individuals. Nor shall the fund be obligated for any judgment or settlement resulting from an act or omission of a broker or salesman committed in conjunction with the marketing or development of a time-sharing project.

“(2) Payments for claims based on judgments or settlements against any one person shall not exceed \$50,000.00 in the aggregate.

“(3) Payments for claims arising out of the same transaction shall not exceed \$25,000.00 in the aggregate, regardless of the number of claimants.

“(4) The fund shall not be liable for payments to a licensee or bonding company unless the licensee or bonding company was a principal party to a real estate transaction on which the judgment was based.

“(c) When any person makes application for an original license as a broker or salesman, he shall pay, in addition to all other fees, a fee of \$30.00 for deposit in the recovery fund. In the event the commission does not issue the license, this fee shall be returned to the applicant.

“(d) When the balance remaining in the recovery fund is less than \$500,000.00, each broker and salesman shall on order of the commission pay a fee of \$30.00 per license for deposit in the recovery fund. A licensee on inactive status shall not be required to contribute to the fund at that time; however, he shall pay a fee of \$30.00 at the time his license is activated.

“(e)(1) When an aggrieved person commences action for a judgment which may result in collection from the recovery fund, the aggrieved person shall notify the commission in writing, by certified mail, return receipt requested, to this effect at the time of the commencement of the action.

“(2) When the commission receives the notice described in subdivision (e)(1), the commission may enter an appearance, file pleadings and motions, appear at court hearings, defend the action or take whatever other action it deems appropriate either on the behalf and in the name of the defendant or in its own name. The commission may also take any appropriate method of review either on behalf and in the name of the defendant or in its own name. The commission may settle or compromise the claim. Any expenses incurred by the commission in defending, satisfying or settling any claim shall be paid from the recovery fund.

“(3) When an aggrieved person recovers a valid judgment in a court of competent jurisdiction against a broker or salesman on the grounds described in subsection (a) above, which occurred on or after October 1, 1979, the aggrieved person may, on the termination of all proceedings, including reviews and appeals in connection with the judgment, file a verified claim in the court in which the judgment was entered and, on 10 days' written notice to the commission, may apply to the court for an order directing payment out of the recovery fund of the amount unpaid on the judgment.

“(4) The court shall proceed on such application forthwith and, on hearing, the aggrieved person shall be required to show that:

“a. He is not the spouse, child or parent of the debtor, or the personal representative of the spouse, child or parent;

“b. He has obtained a judgment, as described in subdivision (3) of subsection (e) of this section, stating the amount of the judgment and the amount owing on the judgment at the date of the application, and, that in such action, he had joined any and all bonding companies which issued corporate surety bonds to the judgment debtor as principal and all other necessary parties;

“c. The following items, if recovered by him, have been applied to the actual compensatory damages awarded by the court:

“1. Any amount recovered from the judgment debtor;

“2. Any amount recovered from bonding companies;

“3. Any amount recovered in out-of-court settlements.

“(5) The court shall order that the recovery fund pay whatever sum it finds due under the provisions and limitations of this section.

“(6) Should the commission pay from the recovery fund any amount in settlement of a claim or toward satisfaction of a judgment against a licensee, all licenses of the licensee may be terminated by the commission. The commission may refuse to issue a new license to the former licensee until he has repaid in full, plus interest at the rate of 12 percent a year, the amount paid from the recovery fund. A discharge in bankruptcy shall not relieve a person from the penalties and disabilities provided in this section.

“(7) If the balance in the recovery fund is insufficient to satisfy a duly authorized claim or portion of a claim, the commission shall, when sufficient money has been deposited in the recovery fund, satisfy the unpaid claims or portions, plus interest at the rate of 12 percent a year in the order that the claims were originally filed.

“(f) The sums received by the commission pursuant to the provisions of this section shall be deposited into the state treasury and held in a special fund to be known as the real estate recovery fund, and shall be held by the commission in trust for carrying out the purposes of the recovery fund. These sums may be invested by the state treasurer in any investments which are legal for domestic life insurance companies under the laws of this state. Any interest or other income from investments of the recovery fund shall be deposited in equal shares, as it accrues, into the general fund of the state treasury and the commission fund.

“(g) When, on order of the court, the commission has paid from the recovery fund any sum, the commission shall be subrogated to all the rights of the judgment creditor, and all his right, title and interest in the judgment, to the extent of the amount paid from the recovery fund, shall thereby be assigned to the commission. Any amount and interest recovered by the commission on the judgment shall be deposited to the fund.

“(h) The failure of an aggrieved person to strictly comply with all of the provisions of this section shall constitute a waiver of any rights under this section.

“(i) Each licensee shall notify the commission within 10 days after notice to him of the institution of any criminal prosecution against him, or of a civil summons and complaint against him, if the subject matter of the civil complaint involves a real estate transaction or involves the goodwill of an existing real estate business. The notification shall be in writing by certified mail and must include a copy of the summons and complaint or, if a criminal charge, the specific charge made against him together with a copy of any indictment or information alleging the charges.

“(j) Each licensee shall notify the commission in writing by certified mail within 10 days after he receives notice that any criminal verdict has been rendered against him, or that a criminal action pending against him has been dismissed, or that a civil action in which he was a defendant and which involved a real estate transaction or the goodwill of a real estate business has resulted in a judgment or been dismissed. The notification shall be in writing and must include a copy of the court order or other document giving the licensee notice.

“§34-27-32.

“(a) A license for a broker or a salesman shall be issued only to, and held only by, a person:

“(1) Who is trustworthy and competent to transact the business of a broker or salesman in a manner that safeguards the interest of the public;

“(2) Whose application or license has not been rejected or revoked in any state within two years prior to date of application on any grounds other than failure to pass a written examination. Any applicant whose license has been revoked must meet all the requirements imposed on an original applicant for a license and shall not be relicensed without the approval of the commissioners;

“(3) Who is at least 19 years old;

“(4) Who is a citizen of the United States or is an alien with permanent resident status; and

“(5) ~~Who is a resident of Alabama. Provided that one who obtains an Alabama license while a resident may retain it on inactive status if he should no longer be an Alabama resident. Who if a nonresident, agrees to sign an affidavit stating the following and in the following form:~~

“I, as a nonresident applicant for a real estate license and as a licensee, agree that the Alabama Real Estate Commission shall have jurisdiction over me in any and all of my real estate related activities the same as if I were an Alabama resident licensee. I agree to be subject to investigations and disciplinary actions the same as Alabama resident licensees. Further, I agree that civil actions may be commenced against me in any court of competent jurisdiction in any county of the State of Alabama.

“I hereby appoint the Executive Director or the Assistant Executive Director of the Alabama Real Estate Commission as my agent upon whom all disciplinary, judicial, or other process or legal notices may be served. I agree that such service upon my said agent shall be the same as service upon me and that certified copies of this appointment shall be deemed sufficient evidence thereof and shall be admitted into evidence with the same force and effect as the original might be admitted. I agree that any lawful process against me which is served upon my said agent shall be of the same

legal force and validity as if personally served upon me and that this appointment shall continue in effect for as long as I have any liability remaining in the State of Alabama. I understand that my said agent shall, within a reasonable time after service upon him or her, mail a copy of same by certified mail, return receipt requested, to me at my last known business address.

"I agree that I am bound by all the provisions of the Alabama Real Estate License Law the same as if I were a resident of the State of Alabama.

Legal Signature of Applicant'

"The commission may, in its discretion, reject the application of any person who has been convicted of or pleaded guilty or nolo contendere to a felony or a crime involving moral turpitude.

"(b) A person desiring to be a real estate broker in this state must apply for a broker's license on a form prescribed by the commission. Along with the application, he shall submit:

"(1) Proof that he has had an active real estate ~~broker's or~~ salesman's license in Alabama ~~any state~~ for at least 24 months of the 36 month period immediately preceding the date of application,

"(2) Proof that he is a high school graduate or the equivalent,

"(3) Proof that he has completed a course in real estate approved by the commission, and which will be a minimum of eight (8) weeks in length, which will meet at least once a week, which will contain a minimum of forty-five (45) classroom hours. This course must be taught by an instructor who has had approval of the Alabama Real Estate Commission prior to an approved pre-license course and shall be taught within the State of Alabama.

"(4) Any other information requested by the commission.

"In lieu of the requirements of subdivisions (1) and (3) hereof, the applicant may furnish proof that he has successfully completed at least 15 semester hours or its equivalent in real estate courses approved by the commission.

"(c) A person desiring to be a real estate salesman in this state must apply for a salesman's license with the commission on a form prescribed by the commission. Along with the application he must furnish:

"(1) Proof that he is a high school graduate or the equivalent,

"(2) Proof that he has successfully completed a course in real estate approved by the commission, and which will be a minimum of eight (8) weeks in length, which will meet at least once a week, which will contain a minimum of forty-five (45) classroom hours. This course must be taught by an instructor who has had approval of the Alabama Real Estate Commission prior to an approved pre-license course and shall be taught within the State of Alabama. In addition, the applicant shall provide:

"(3) Any other information required by the commission.

"(d) An application for a company license for a corporation, partnership or branch office shall be made by a qualifying broker on a form prescribed

by the commission. The qualifying broker must be an officer, partner or employee of the company.

“(e) An applicant for a company or broker license must maintain a place of business in the State of Alabama.”

“(f) If the applicant for a company or broker license maintains more than one place of business in the state, he must have a company license for each separate location or branch office. Every application shall state the location of the branch office and the name of its qualifying broker. Each branch office shall be under the direction and supervision of a qualifying broker licensed at that address. No person may serve as qualifying broker at more than one location. The qualifying broker for the branch office and the qualifying broker for the corporation, partnership, or sole proprietorship shall share equal responsibility for the real estate activities of all licensees assigned to the branch office.

“(g) No person may be qualifying broker for more than one company or for a company and on his own behalf unless:

“(1) All companies for which he is and proposes to be the qualifying broker consent in writing, and

“(2) He files a copy of the written consent with the commission, and

“(3) He will be doing business from the same location.

“A person licensed under a qualifying broker may be engaged by one or more companies with the same qualifying broker.

“(h) A company license shall become invalid on the death or disability of a qualifying broker. Within 30 days after the death or disability, the corporation, or the remaining partners or the successor partnership, if any, may designate another of its officers, members or salesmen to apply for a license as temporary qualifying broker. The person designated as temporary qualifying broker either must be a broker or must have been a salesman for at least one year prior to filing the application. If the application is granted, the company may operate under that broker for no more than six months after the death or disability of its former qualifying broker. Unless the company designates a fully licensed broker as the qualifying broker within the six months, the company license shall be classified inactive by the commission.

“§34-27-33.

“(a) In addition to other requirements of this chapter, every applicant for a broker's or salesman's license shall submit to a reasonable written examination. The commission shall conduct examinations at such places and times as it shall prescribe. The commission is authorized to contract with an independent testing agency to prepare, grade or conduct this examination. The fee shall be \$75.00 for each examination taken by the applicant, and no refund shall be made if an applicant fails the examination. The examination fee shall be paid by certified check, cashier's check, or money order. If an applicant is scheduled and issued a written permit for an examination and fails to appear, one-half of the examination fee will be forfeited.

“(b) The applicant shall have 60 days after passing the examination to secure a qualifying broker or to have his license classified as inactive; otherwise, he must meet all requirements of an original applicant. In order to obtain an active license, the applicant's qualifying broker must sign and

submit to the commission a sworn statement that the salesman is in his opinion honest, trustworthy, and of good reputation and that he accepts responsibility for the actions of such salesman as set out in section 34-27-31. The applicant's qualifying broker must be licensed in Alabama and must maintain a place of business in the State of Alabama.

“(c) On passing the examination and complying with all other conditions for licensure, a license certificate shall be issued to the applicant. The applicant is not licensed until he or his qualifying broker actually receives the license certificate.

“§34-27-34.

“(a)(1) A broker may serve as qualifying broker for a salesman or associate broker only if he is licensed in Alabama and his principal business is that of a real estate broker and he will be in a position to actually supervise the real estate activities of the associate broker or salesman on a full-time basis, and he must maintain a place of business in Alabama.

“(2) A salesman or associate broker may not perform acts for which a license is required unless licensed under a qualifying broker. A qualifying broker shall be held responsible to the commission and to the public for all acts governed by this chapter of each salesman and associate broker licensed under him and of each company for which he is the qualifying broker. It shall be the duty of the qualifying broker to see that all transactions of every licensee engaged by him or any company for which he is the qualifying broker comply with the provisions of this chapter. Additionally, the qualifying broker shall be responsible to an injured party for the damage caused by any violation of this chapter by any licensee engaged by the qualifying broker. This subsection does not relieve a licensee from liability that he would otherwise have.

“(b) Any salesman or associate broker who desires to change his qualifying broker shall give notice in writing to the commission, and shall send a copy of the notice to his qualifying broker. The new qualifying broker must file with the commission a request for the transfer and a statement assuming liability for the licensee. On payment of a fee of \$25.00, a new license certificate shall be issued to the salesman or associate broker for the unexpired term of the original license. No license transfer shall be made during September of the final year of a license period except in case of undue hardship.

“(c) A person who wishes to terminate his status as qualifying broker for a licensee may do so by notifying the licensee and the commission in writing and sending the licensee's license certificate to the commission or verifying in writing to the commission that the certificate has been lost or destroyed.

“(d) A person who wishes to terminate his status as a qualifying broker for a company may do so by submitting written notice to the company or qualifying broker of the parent company and the commission.

“(e) A salesman or associate broker shall not perform any act for which a license is required after his association with his qualifying broker has been terminated, or if he changes qualifying brokers, until a new active license has been issued by the commission.

“§34-27-35.

“(a) The commission shall prescribe the form and content of license certificates issued. Each qualifying broker's license certificate shall show the

name and business address of the broker. The license certificate of each active salesman or associate broker shall show his name and the name and address of his qualifying broker. The license certificate of each active salesman or associate broker shall be delivered or mailed to his qualifying broker. Each license certificate shall be kept by the qualifying broker and shall be publicly displayed at the address which appears on the license certificate.

“(b) The commission shall have the authority, at its discretion, to establish a one-year or multi-year license period.

“(c) The original fee for a broker's license shall be \$35.00 per year for each year or portion of a year remaining in the respective license period, and the renewal fee for a broker's license shall be \$35.00 per year for each year of the license period. The original fee for each salesman's license shall be \$25.00 per year for each year or portion of a year remaining in the respective license period, and the renewal fee for each salesman's license shall be \$25.00 per year for each year of the license period. The original fee for each company license shall be \$25.00 per year for each year or portion of a year remaining in the respective license period, and the renewal fee for each such license shall be \$25.00 per year for each year of the license period.

“(d) The license of a salesman who is subsequently issued a broker's license automatically terminates upon the issuance of his broker's license certificate; therefore he must return his salesman's license certificate to the commission in order for his broker's license to be issued. If the salesman's license is so terminated during a year prior to the final year of a multi-year license period, the licensee will receive a refund equal to the license fee paid for each full year remaining in the respective license period. However, no refund shall be made of any penalty fee or recovery fund deposit pertaining to the salesman's license.

“(e) The commission shall prescribe a license renewal form, which must accompany renewal fees and must be filed on or before August 31 of the final year of each license period in order for the respective license to be renewed on a timely basis for the following license period. Licensees who renew during the period from September 1 of the final year of a license period through October 31 of the initial year of the following license period, shall pay a penalty of \$15.00 in addition to the license fee. Any licensee renewing during the period from November 1 through September 30 of the initial year of a license period shall pay the required license fee, plus a penalty of \$65.00.

“(f) The renewal form shall be mailed by the commission to the licensee's place of business, if an active licensee, or to his resident if an inactive licensee, prior to August 1 of the final year of each license period. Each licensee must notify the commission in writing of any change in his business or residence address within 30 days of the change.

“(g) Every license shall expire at midnight on September 30 of the final year of each license period. An expired license may be renewed during the 12-month period following the license period for which the license was current. A licensee who fails to file a renewal form or a request for an inactive classification before the end of the 12-month period following the license period for which the license was issued shall be subject to all requirements applicable to persons who have never been licensed.

“(h)(1) Each applicant for renewal of a salesman or broker license issued by the commission shall, on or before the expiration date of his/her license,

submit proof of completion of not less than 12 clock hours of approved course work to the commission, in addition to any other requirements for renewal. Provided, however, that proof of attendance at such course work, whether or not the applicant attained a passing grade in such course, shall be sufficient to satisfy requirements for renewal. The 12 clock hours' course work requirement shall apply to each two-year license renewal, and hours in excess thereof shall not be cumulated or credited for the purpose of subsequent license renewals. The commission shall develop standards for approval of courses, and shall require certification of such course work of the applicant.

“(2) This section shall apply to renewals of licenses which expire after September 30, 1986; however, an applicant for first renewal who has been licensed for not more than one year shall not be required to comply with this section for the first renewal of the applicant's license. Any licensee who is 65 years of age or greater shall be exempt from this section.

“(3) The commission shall promulgate rules and regulations as necessary to accomplish the purpose of this section in accordance with the Alabama Administrative Procedure Act.

“(i)(1) A licensee may request that the commission classify his license as inactive. Inactive licenses will be held at the commission office until activated. No act for which a license is required may be performed under an inactive license.

~~“(2) The active license of any licensee who changes residence from Alabama to another state or country shall become inactive immediately upon the change of residence. The licensee must submit his license certificate to the commission within 20 days of the change of residence.~~

“(2) Any licensee whose license has been inactive for more than 50 percent of the 24 months immediately preceding the date he proposes that the license be activated shall not be able to activate his license without first providing proof to the commission that he has successfully completed a refresher course approved by the commission. Time spent in such courses shall not be credited toward the clock hours required for license renewal nor shall they be credited toward meeting the education requirements for obtaining an original broker's license.

“§34-27-37.

“(a) An action against an accused shall begin by serving the accused either personally or by certified mail with a copy of the formal complaint against him. The accused shall be given at least 15 days' notice of the time, date and place of hearing. If the commission refuses to license an applicant, notice of the refusal shall be given to the applicant, and he may, within 15 days after delivery of the notice, file a request for a hearing. The applicant or accused shall have an opportunity to be heard in person or by counsel, to offer testimony in his behalf and to examine witnesses. Hearings shall be held in the county in which the applicant resides or in which the accused maintains his principal place of business, unless the applicant or accused agrees to be heard in another county. If the accused does not maintain his place of business in Alabama, then the hearing shall be held in his county of residence. If the accused neither resides or maintains a place of business in Alabama, the hearing shall be held in Montgomery county. At hearings, all witnesses shall be sworn by a member of the commission, the executive director, the assistant executive director, or a hearing officer. The commission

shall render a written order within 30 days from the final date of hearing. If the matter alleged in the complaint is the subject of an action pending in any court, the commission may withhold rendering or implementing its order pending disposition of the court action.

“(b) The commission may issue subpoenas for the attendance of witnesses and the production of records and documents, either at the instance of the commission or the accused. The process issued by the commission shall extend to all parts of the state, and such process shall be served by a person designated by the commission or by mailing the process by certified mail. A subpoenaed witness who appears in a proceeding before the commission shall receive fees, mileage and expense allowances as authorized by the commission. All fees, mileage and expense payments shall be taxed against the party or parties subpoenaing the witness.

“(c) If in a proceeding before the commission, a subpoenaed witness fails or refuses to attend or refuses to testify or fails or refuses to produce subpoenaed documents or records, his attendance and testimony or the production of the documents and records shall be enforced by any circuit court of this state, in the same manner as the attendance and testimony of witnesses is enforced in civil cases.

“(d) An accused, applicant or other party to a case heard by the commission who is aggrieved by a final decision, may file an application for rehearing specifying grounds for relief within ~~15~~ 30 days of receiving notice of the decision.

“An application for rehearing does not modify the effective date of the decision and is appropriate only if the final decision is:

- “(1) In violation of constitutional or statutory provisions;
- “(2) In excess of the statutory authority of the commission;
- “(3) In violation of a commission rule;
- “(4) Made upon unlawful procedure;
- “(5) Affected by other error of law;
- “(6) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- “(7) Unreasonable, arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

“Within 30 days from the filing of the application for rehearing the commission shall set a hearing date on the application, or shall enter an order without a hearing, or shall grant or deny the application. If the applicant is granted a rehearing, the commission will schedule a rehearing as soon as practicable. If the commission does not enter an order within 30 days from the filing of the application for rehearing, the application shall be deemed to be denied.”

Section 4. The legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2 and 3 hereof.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Dixon offered the following amendment to the substitute for the Bill, S. B. 74, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 74

In the title, page 1, delete lines 30 through 34, and on page 2, delete lines 1 and 2, and in lieu thereof, add the following language:

to state employees; to add one (1) additional member to the board who shall be a black voting member appointed at large from among the U.S. Congressional Districts on a rotating basis; to require the rules of the commission be adopted

In Section 3, of the quoted Section 34-27-7, page 3, line 16, delete the underlined word "nine", and in lieu thereof insert the underlined word:

eight

Also, on page 4, delete the underlined language on lines 30 through 34, and delete the underlined language on lines 1 through 13 on page 5, and in lieu thereof, insert the following underlined language:

appoint one (1) new member to the commission, subject to the confirmation of the senate, who shall be a black member who meets all of the other requirements of subsection (c) hereof, who shall serve no more than two (2) consecutive terms of office, who shall be a full voting member, and who may be appointed from any congressional district in the state, provided that each successor black member shall be appointed from a different congressional district, to be rotated equally among the remaining congressional districts.

Senator Corbett moved that said amendment be laid on the table, which motion was lost.

Yeas 11; Nays 13.

Yeas:

Senators:	Corbett	Hilliard	Menton	
Bennett	Drinkard	Holmes	Parsons	
Campbell	Figures	Langford	Sanders	—11

Nays:

Senators:	deGraffenried	Hale	Preuitt	
Bailey	Denton	Hand	Rice	
Bedsole	Dixon	Manley	Smith (B)	
Cabaniss	Ellis			—13

And said amendment to the substitute was adopted.

Yeas 14; Nays 10.

Yeas:

Senators:	deGraffenried	Hale	Rice	
Bailey	Denton	Hand	Smith (B)	
Bedsole	Dixon	Manley	Smith (J)	
Cabaniss	Ellis	Preuitt		—14

Nays:

Senators:	Corbett	Hilliard	Menton	
Bennett	Drinkard	Holmes	Sanders	
Campbell	Figures	Langford		—10

And said substitute, as thus amended, was then adopted.

Yeas 24; Nays 0.

Yeas:

Senators:	Corbett	Hale	Menton	
Amari	deGraffenried	Hand	Preuitt	
Bailey	Denton	Hilliard	Rice	
Bedsole	Dixon	Holmes	Sanders	
Bennett	Drinkard	Langford	Smith (B)	
Cabaniss	Figures	Manley	Smith (J)	
Campbell				—24

Nays: —0

And said Bill, S. B. 74, as thus amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Hand	Parsons	
Amari	Dial	Hilliard	Preuitt	
Bailey	Dixon	Holmes	Rice	
Bedsole	Figures	Langford	Sanders	
Bennett	Foshee	Manley	Smith (B)	
Campbell	Goodwin	Menton	Smith (J)	
Corbett	Hale			—25

Nays: —0

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 197

Delivered to the Governor March 1, 1988, at 1:55 P.M.

S. B. 54

S. B. 125

Delivered to the Governor March 1, 1988, at 3:50 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 5 o'clock P.M., on motion of Senator deGraffenried, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, March 3, 1988, at 10 o'clock A.M.

TENTH LEGISLATIVE DAY
THURSDAY, MARCH 3, 1988

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by the Reverend Dale Chambliss, Assistant Minister, First Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Pat Shegon, Sidney Lanier High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Ellis	Horn
Amari	Campbell	Figures	Menton
Bailey	Corbett	Foshee	Parsons
Barron	deGraffenried	Goodwin	Preuitt
Bedford	Denton	Hale	Rice
Bedsole	Dial	Hand	Sanders
Bennett	Dixon	Hilliard	Smith (B)
Bishop	Drinkard	Holmes	Smith (J)

—31

JOURNAL

On motion of Senator Corbett, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Ninth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Ninth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Corbett, leave of absence was granted Senators Covington, Langford, Manley, and Mitchem for today.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Denton:

S. 479. To provide for a supplemental appropriation from the general fund to the Board of Pardons and Paroles for the fiscal year ending September 30, 1988 to be used in hiring, training and equipping Probation and Parole Officers.

Committee on Finance and Taxation.

By Senator Smith (J) (With Notice and Proof):

S. 480. Relating to the Twenty-third Judicial Circuit consisting of Madison County; to amend section 3 of Act No. 80-485, H. 859, Regular Session 1980 (Acts 1980, p. 755), providing for the parking of jurors, assessment, collection and use of additional taxes to defray the expense of juror parking, so as to increase the amount of such tax from Two (\$2.00) Dollars to Three (\$3.00) Dollars.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 480, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Figures and Horn:

S. 481. To amend Section 40-9-12, Code of Alabama 1975, which provides exemptions from taxation and licensing of certain charitable, religious, or civic organizations, so as to include the Mobile Arts and Sports Association, the Sickie Cell Disease Association, Gulf Coast Alabama, Inc., the Tri-County Sickie Cell Anemia Association, Inc., the West Alabama Sickie Cell Foundation, Inc., the Jefferson Sickie Cell Clinic, Inc., the Southeast Sickie Cell Association, Inc., and the Sickie Cell Foundation of Greater Montgomery, Inc., within the exemptions.

Committee on Governmental Affairs.

By Senator Dial:

S. 482. To propose an amendment to the Constitution of Alabama of 1901, that will authorize funds held in the Alabama Heritage Trust Fund to be invested in the same manner as funds held in the Alabama Trust Fund are now authorized to be invested, and will provide that any capital gains realized from the sale of any investments held in either the Alabama Heritage Trust Fund or the Alabama Trust Fund shall become a part of the trust capital of the fund in which such investments were held.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Senator Bennett (With Notice and Proof):

S. 483. Relating to the governing body of Jefferson County, Alabama; to authorize the Jefferson County Commission to employ administrative

assistants, confidential secretaries and to set their compensation. To exempt such positions from any merit system and to provide other employment benefits.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 483, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Foshee, Holmes, Denton, Goodwin, Menton, Drinkard, Langford, Campbell, Bishop, deGraffenried, Parsons, Corbett, Bennett, Horn, Manley, Figures, Hilliard, Covington, Bailey, Dial, Smith (J), Ellis, and Sanders:

S. 484. To amend Title 23, Code of Alabama 1975, so as to provide for the creation and establishment of a State Highway Commission. To define and provide for the appointment, qualifications, duties, compensation and terms of the members of the State Highway Commission. To further define and provide for the office of State Highway Director, to establish for the appointment, qualifications, duties, term and compensation of the State Highway Director. To create and establish the office of Deputy Highway Director. To define and provide the appointment, qualifications, duties and compensation of the Deputy Highway Director. To provide that the State Highway Commission shall be vested with the control and supervision of the State Highway Department. To amend Sections 23-1-20, 23-1-21, 23-1-22, 23-1-32, 23-1-35, 23-1-37, 23-1-40, 23-1-41, 23-1-42, 23-1-54, 23-1-55, 23-1-58, 23-1-61, 23-1-156, 23-1-157, 23-1-158, 23-1-170, 23-1-176, 23-1-178, 23-1-300, 23-1-302, 23-1-303, 23-1-305, 23-1-310, 23-1-313, 23-1-317, 23-2-143, 23-2-144, 23-2-161, 23-6-2, 23-6-3, 23-6-4, 23-6-6, 23-6-8, 23-6-9, Code of Alabama 1975; to provide for the duties and responsibilities of the state highway commission. To amend Sections 23-1-150, 23-1-151, 23-1-152, 23-1-154, Code of Alabama 1975, to provide for the makeup of the Alabama highway authority. To amend Sections 23-1-171, 23-1-172, 23-1-174, 23-1-177, Code of Alabama 1975, to provide for the makeup and duties of the Alabama highway finance authority. To amend Sections 23-1-300, 23-1-302, 23-1-303, 23-1-305, Code of Alabama 1975, to provide for the makeup and duties of the Federal Aid Highway Finance Authority. To further amend Sections 9-6A-8, 32-5A-171, 32-5A-172, 32-5A-173, 32-5A-174, 32-9-1, 33-16-9, 33-16-10, 33-17-9, 33-17-10, 40-17-78, 40-17-224, 41-4-16, Code of Alabama 1975. To provide further for the duties and responsibilities of the members of the state highway commission. To further amend Sections 8-17-91 and 40-12-270, Code of Alabama 1975, so as to provide for the appointment of the members of the secondary road committee and further for the duties of the state highway commission. To further amend Section 29-2-4, Code of Alabama 1975, so as to further provide for the duties of the Permanent Joint Legislative Highway Committee.

Committee on State Development and Tourism.

By Senator Holmes:

S. 485. To create the Alabama Mental Health Providers' Liability Act, so as to state the legislative intent, to define the terms "patient" and "mental health provider", and to further establish guidelines for liability involving violent acts of mental patients.

Committee on Judiciary.

By Senator Goodwin:

S. 486. To amend Section 15-9-62 of the Code of Alabama 1975, relating to payment of expenses of returning accused to Alabama so as to provide for state per diem and actual expenses incurred.

Committee on Finance and Taxation.

By Senators Cabaniss and Ellis:

S. 487. To amend Sections 14-10-1 and 14-10-2, Code of Alabama 1975, relating to the discharge of state inmates, so as to allow the department of corrections to establish reasonable regulations determining those state convicts who shall receive discharge benefits, to change the definition of the clothing issue, to limit the application of the discharge benefit to once per offense, to allow state inmates to waive discharge benefits and to provide for documentation for identification.

Committee on Judiciary.

By Senators Cabaniss and Ellis:

S. 488. To establish an Alabama Men's Hall of Fame; to prescribe its purposes and membership; to provide for election of members and officers and for holding of meetings; and to repeal Sections 41-9-850 through 41-9-853, Code of Alabama 1975.

Committee on Judiciary.

By Senator Barron:

S. 489. To amend Section 32-6-18 of the Code of Alabama 1975, relating to penalties under the drivers' licenses code, so as to provide further for such penalties.

Committee on Judiciary.

By Senators Barron and Dial:

S. 490. To make a certain appropriation from the state general fund to the department of finance for the Retired Senior Volunteer Program for the fiscal year ending September 30, 1988, and to require an operations plan prior to release of any funds.

Committee on Finance and Taxation.

REPORT OF COMMITTEE

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Senator Denton:

S. 393. To amend Sections 34-8-1 and 34-8-7, Code of Alabama 1975, to include a swimming pool contractor in the definition of "general contractor" found within Title 34, Chapter 8, Code of Alabama 1975, and to exclude a swimming pool contractor from the exemptions found within Section 34-8-7, Code of Alabama 1975.

By Senators Denton, Menton, Covington, and Foshee:

S. 151. To make further provisions for the issuance of obligations by Alabama Federal Aid Highway Finance Authority by amending Sections 23-1-300, 23-1-301, 23-1-306, 23-1-307, 23-1-313, 23-1-314, and 23-1-317, Code

of Alabama 1975, so as to provide for the issuance and use of proceeds of obligations of the Authority for the purpose of anticipating and providing for the federal share of the cost of replacing bridges on the state highway system; and to provide that pledges made of the proceeds from the taxes and fees referred to in this section shall, with respect to each obligation issued hereunder, be subject and subordinate to: (1) all pledges of the proceeds of the said taxes and fees lawfully made as security for any bonds issued prior to December 1, 1986, by the Authority; and (2) any refunding bonds that may be issued by the Authority after December 1, 1986, for the purpose of refunding any of the aforementioned bonds.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 74. Relating to the Alabama Sunset Law; to continue the existence and functioning of the real estate commission as provided in Sections 34-27-1 through 34-27-38, Code of Alabama 1975, with certain modifications; to amend Sections 34-27-3, 34-27-7, 34-27-8, 34-27-31, 34-27-32, 34-27-33, 34-27-34, 34-27-35, and 34-27-37, Code of Alabama 1975, so as to delete references to certain activities of nonresident real estate brokers pursuant to a stipulation of settlement of a United States District Court Order of the Middle District of Alabama, Northern Division (CA 87-T-335-N), styled "Georgia Association of Realtors vs. Alabama Real Estate Commission"; to limit the original seven members of the commission to two (2) consecutive terms of office; to limit the commission's travel and per diem to the rate paid to state employees; to add one (1) additional member to the board who shall be a black voting member appointed at large from among the U.S. Congressional Districts on a rotating basis; to require the rules of the commission be adopted pursuant to the state administrative procedure statutes; to provide that an aggrieved party may recover from the commission's recovery fund only for damages sustained within the state; and to provide further for the educational requirements, testing requirements and other requirements of the licensees of the board; and to provide further for re-hearings of the board.

Also:

S. 141. To amend section 11-88-6, Code of Alabama 1975, which provides for boards of directors of county and municipal water, sewer and fire protection authorities, so as to provide further for the maximum amounts paid to such board members and chairmen for their meetings.

Also:

S. 250. To amend Section 40-12-240, Code of Alabama 1975, relating to definitions of motor vehicles, so as to define the portions of the definition of gross vehicle weight which are no longer applicable and to amend Section 40-12-248, Code of Alabama 1975, relating to taxes and fees on trucks and tractors, so as to reduce the annual license taxes and registration fees on certain trucks known as self-propelled campers or house cars.

BILL DRINKARD,
Chairperson.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 95. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters for the tenth legislative day of the 1988 Regular Session only:

BILL NO.	DESCRIPTION	PAGE NO.
H. 99	State Industrial Authority, retirement of cert. bonds, proper reference to another act provided Act 87-554, Reg. Sess. 1987	20
H. 550	Pickens Co. comm. auth. to levy sales tax distrib. to hospital referendum	57

On motion of Senator Drinkard, the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Drinkard, B. I. R., H. B. 99, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Figures	Menton
Barron	Dial	Foshee	Rice
Bedsole	Dixon	Goodwin	Sanders
Bennett	Drinkard	Hand	Smith (B)
Bishop	Ellis	Hilliard	
			—18

Nays: —0

SPECIAL ORDER**BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 99. To amend Act No. 87-554 enacted at the 1987 Regular Session of the Legislature of Alabama so as to insert in Subsection (1)b1(viii) thereof the appropriate reference to Act No. 87-550.

And said Bill, H. B. 99, was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Holmes
Barron	Corbett	Figures	Menton
Bedsole	deGraffenried	Foshee	Rice
Bennett	Dial	Goodwin	Sanders
Bishop	Dixon	Hand	Smith (B)
			—19

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bishop, B. I. R., H. B. 550, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Menton
Amari	Corbett	Goodwin	Parsons
Bailey	Denton	Hale	Preuitt
Barron	Dial	Hand	Rice
Bedford	Dixon	Holmes	Sanders
Bedsole	Ellis	Horn	Smith (B)
Bishop	Figures		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 550. Relating to Pickens County; authorizing the county commission to levy an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; providing for the implementation and expiration of this act; and providing for a referendum.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Menton
Amari	Corbett	Goodwin	Parsons
Bailey	Denton	Hale	Preuitt
Barron	Dial	Hand	Rice
Bedford	Dixon	Holmes	Sanders
Bedsole	Ellis	Horn	Smith (B)
Bishop	Figures		

—25

Nays: —0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 96. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters for the tenth legislative day of the 1988 Regular Session only:

Inst Id	Page
S. 75	26
Insurance Dept., sunset law review cont. until Oct. 1, 1989, rules adopted pursuant to admin. procedure act, Sec. 27-2-17 am'd.	
S. 76	26
Bd. of Heating and Air Conditioning, sunset law review cont., certification, bd. appts. and terms, powers, exams of bd., alt., Secs. 34-31-18 thru 34-31-21, 34-31-28, 34-31-29, 34-31-32 am'd.	
S. 77	27
Plumbing Examiners Bd., sunset law review cont.	
S. 78	27
Public service commission, sunset law review cont.	
S. 79	28
Pilotage Commission, sunset law review continued, method of computing pilots' fees, alt., Sec. 33-4-48 am'd.	
S. 80	28
Alcoholic beverage control bd., sunset law review cont.	
S. 81	28
Examiners of mine personnel, sunset law review cont., membs. terms limited, Sen. confirmation and reprimand auth., Secs. 25-9-9, 25-9-15 am'd.	
S. 82	29
Board of examiners in psychology, sunset law review cont., Sen. confirmation, membs. term limited, rules promulgated pursuant to admin. procedure act, specialization, revocation of licenses, Secs. 34-36-21, 34-26-22, 34-26-41, 34-26-43, 34-26-46 am'd.	
S. 83	29
Bd. of public accountancy, sunset law review cont., preserve one public accountant on bd., Sen. confirm., per diem alt., confidentiality of records, Sec. 34-1-3 am'd.	
S. 84	30
Securities comm., sunset law review cont., Sen. confirmation, membs. terms limited, comp. of director alt., Secs. 8-6-50, 8-6-56 am'd.	
S. 85	30
Board of Auctioneers, sunset law review cont., bd. membs. appointment and terms, rules pursuant to admin. procedure act, bds. funds transferred to st. treasury, Secs. 34-4-21, 34-4-50, 34-4-53, 34-4-54 am'd.	

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S. 86 31

Board of examiners for professional entomologists, horticulturists, plant pathologists, floriculturists and tree surgeons, sunset law review cont., exam fee set, revocation of certificate auth., Secs. 2-28-4, 2-28-7, am'd.

S. 87 31

Board of cosmetology, sunset law review cont., Sen. confirm appointees, rules promulgated pursuant to admin. procedure act, Sec. 34-7-40 am'd.

S. 88 42

Bd. of social work examiners, sunset law review, grandfather clause, penalties, Sen. confirmation, terms of office limited, rules to conform with admin. procedure act, Secs. 34-30-27, 34-30-33, 34-30-50, 34-30-51, 34-30-57 am'd.

S. 89 43

Liquefied petroleum gas bd., sunset law review cont., bd. membs. terms limited, Sen. confirmation, insurance reg. alt., Secs. 9-7-101, 9-7-103, 9-7-105 am'd.

S. 90 43

Sunset law, plumbers and gas fitters examining bd. added to list of enumerated agencies, Sec. 41-20-3 am'd.

S. 91 43

Bd. of Funeral Service, sunset law review, mbrs, terms, Sen. confirm, comply with admin. proced. act, exam fees, communicable disease report, Secs. 34-13-20, 34-13-23, 34-13-26, 34-13-29, 34-13-56, 34-13-70, 34-13-90, 34-13-111, 34-13-132, 34-13-134.

On motion of Senator Drinkard, the Resolution was adopted by the Senate.

RESOLUTION

Senators Dial, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Joint Resolution, to-wit:

S. J. R. 97. MOURNING THE DEATH OF GEORGE WASHINGTON YARBROUGH OF MOBILE, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of George Washington Yarbrough of Mobile, Alabama, on February 29, 1988, at the age of 96 years; and

WHEREAS, a native of Randolph County, Alabama, Mr. Yarbrough was descended from a family of English emigrants to North Carolina, one of whom was a signer of the Mecklenburg Declaration of Independence; and

WHEREAS, Mr. Yarbrough was educated in the rural schools of Randolph County, graduating from Randolph County High School at Wedowee; he was a veteran of World War I, a 1924 graduate of Howard College and held the Master's degree in School Administration from the University of Alabama; and

WHEREAS, a former teacher and principal, and a member of the summer faculty of Howard College for several years, Mr. Yarbrough retired in 1963 as a consultant with the Alabama State Department of Education; he was a Master Mason, a Woodman of the World, Knight of Pythias, a former Sunday School teacher for many years in Randolph County, and a member and past chairman of the Board of Deacons of Spring Hill Baptist Church in Mobile where he had resided since 1970; and

WHEREAS, George W. Yarbrough, in addition to distinguished military service and professional, civic and church leadership, also was a member of the Alabama Senate from 1955 to 1959, thereby rendering invaluable service to his community, state and nation and to all citizens thereof; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of our friend and former colleague, George Washington Yarbrough of Mobile, Alabama, and extend deepest sympathy to his beloved wife of 63 years, Mrs. Thelma Stacy Yarbrough; to his daughter and son-in-law, Emilu Yarbrough and Rex Marion Gray; grandchildren, Rex M. Gray, Jr., George M. Gray, Stacy Gray Lawrence and Jonathan P. Gray; to his greatgranddaughter, Mary Elizabeth Gray; and to other family members, whose sorrow we share and for whom copies of this resolution shall be provided.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., S. B. 75, adopted.

Yeas 18; Nays 1.

Yeas:

Senators:	Cabaniss	Dixon	Hale	
Bailey	Campbell	Drinkard	Hilliard	
Barron	Corbett	Ellis	Horn	
Bedsole	deGraffenried	Figures	Sanders	
Bennett	Dial	Goodwin		—18

Nay: Senator Amari —1

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the second special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 75. Relating to the Alabama Sunset Law; to continue until October 1, 1989, the existence and functioning of the Insurance Department as provided in Sections 27-2-1 through 27-2-55, generally, and Section 27-2-1 specifically, Code of Alabama 1975, with certain modifications; to amend Section 27-2-17, Code of Alabama 1975, so as to require the rules and

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regulations of the department be adopted in accordance with the state administrative procedure statutes.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 75, to-wit:

AMENDMENT TO S. B. 75

Amend S. 75 as follows:

On page 1, line 9, in the Synopsis, change the comma after the words "Insurance Department" to a period and delete the remainder of line 9 and delete line 10 in its entirety.

On page 1, line 20, in the title, change the semicolon to a period and delete the remainder of line 20 and delete lines 21 through 23 in their entirety.

Also, on page 1, Section 1, lines 32 through 34, delete the following sentence:

"The Sunset committee further recommends the additional statutory changes of the board as set out in Section 3 hereof."

On page 2, delete lines 7 through 34, and on page 3, delete lines 1 through 6, thereby deleting Section 3 in its entirety and then on page 3, renumber subsequent sections accordingly.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Hale	
Amari	Campbell	Drinkard	Hilliard	
Barron	Corbett	Ellis	Horn	
Bedsole	deGraffenried	Figures	Sanders	
Bennett	Dial	Goodwin	Smith (J)	—19

Nays: —0

And said Bill, S. B. 75, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Hilliard	
Barron	Corbett	Ellis	Horn	
Bedsole	deGraffenried	Figures	Menton	
Bennett	Dial	Goodwin	Sanders	
Bishop	Dixon	Hale	Smith (J)	—20
Cabaniss				

Nays: —0

MOTION IN WRITING

Senator Smith (J) offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 94, on page 56 of the 10th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 94, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., S. B. 76, adopted.

Yeas 18; Nays 1.

Yeas:

Senators:	Corbett	Ellis	Horn	
Bedsole	deGraffenried	Figures	Menton	
Bennett	Dial	Goodwin	Sanders	
Bishop	Dixon	Hale	Smith (B)	
Cabaniss	Drinkard	Hilliard		—18

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 76. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of heating and air conditioning contractors as provided in Sections 34-31-18 through 34-31-34, Code of Alabama 1975, with certain modifications; to amend Sections 34-31-18, 34-31-19, 34-31-20, 34-31-21, 34-31-28, 34-31-29 and 34-31-32, Code of Alabama 1975, so as to: include service and repair persons as certified by the board; to allow contractors to install, service or repair natural gas appliances, to limit board members to two (2) consecutive terms; to authorize the board to take testimony, hold hearings, subpoena witnesses; to take certain disciplinary action; and to provide further for examinations of the board.

was taken up.

On motion of Senator Amari, further consideration of the Bill, S. B. 76, was postponed temporarily.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., S. B. 77, adopted.

Yeas 22; Nays 1.

Yeas:

Senators:	Bishop	Drinkard	Horn	
Bailey	Cabaniss	Ellis	Menton	
Barron	Corbett	Figures	Sanders	
Bedford	deGraffenried	Goodwin	Smith (B)	
Bedsole	Dial	Hale	Smith (J)	
Bennett	Dixon	Hilliard		—22

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 77. Relating to the Alabama Sunset Law; to continue the existence and functioning of the plumbing examiners board as provided in Section 40-12-145, Code of Alabama 1975.

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was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Bishop	Dixon	Holmes	
Amari	Cabaniss	Ellis	Menton	
Barron	Corbett	Goodwin	Sanders	
Bedford	deGraffenried	Hale	Smith (B)	
Bedsole	Dial	Hilliard	Smith (J)	
Bennett				—20

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., S. B. 78, adopted.

Yeas 20; Nays 1.

Yeas:

Senators:	Cabaniss	Drinkard	Holmes	
Bailey	Corbett	Ellis	Horn	
Bedford	deGraffenried	Goodwin	Menton	
Bedsole	Dial	Hale	Smith (B)	
Bennett	Dixon	Hilliard	Smith (J)	
Bishop				—20

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 78. Relating to the Alabama Sunset Law; to continue the existence and functioning of the public service commission as provided in Section 37-1-1, Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Holmes	
Bailey	Corbett	Foshee	Horn	
Barron	deGraffenried	Goodwin	Menton	
Bedsole	Dial	Hale	Smith (B)	
Bishop	Dixon	Hilliard	Smith (J)	—19

Nays: —0

RESOLUTION

Senator Denton offered the following Senate Resolution, to-wit:

S. R. 98. MOURNING THE DEATH OF S. MARVIN MORGAN OF SHEFFIELD, ALABAMA.

Which was filed.

MOTION IN WRITING

Senator Holmes offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 203, on page 56 of the 10th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 203, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., S. B. 79, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Hilliard	
Bailey	Corbett	Ellis	Holmes	
Barron	deGraffenried	Foshee	Horn	
Bedsole	Dial	Goodwin	Menton	
Bishop	Dixon	Hale		—18

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 79. Relating to the Alabama Sunset Law; to continue the existence and functioning of the pilotage commission as provided in Sections 33-4-1 through 33-4-57, Code of Alabama 1975, with certain modifications; to amend Section 33-4-48, Code of Alabama 1975, so as to change the method of computing pilots' fees.

was taken up.

Senator Menton offered the following amendment to the Bill, S. B. 79, to-wit:

AMENDMENT TO S. B. 79

Amend S. 79 as follows:

On page 3, lines 3 through 6, strike the following language:

~~"Vessels with a beam of 125 feet or more shall require an assisting pilot in addition to the pilot and the fee for the assisting pilot shall be \$430.00."~~

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Horn	
Barron	Dial	Goodwin	Menton	
Bedsole	Dixon	Hale	Preuitt	
Bishop	Ellis	Hilliard	Sanders	
Cabaniss	Figures	Holmes		—18

Nays:

—0

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And said Bill, S. B. 79, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Menton	
Bailey	deGraffenried	Figures	Preuitt	
Barron	Dial	Hale	Sanders	
Bedsole	Dixon	Hilliard	Smith (J)	
Bishop	Drinkard	Holmes		—18

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., S. B. 80, adopted.

Yeas 17; Nays 0.

Abstaining 1.

Yeas:

Senators:	Cabaniss	Ellis	Hilliard	
Bailey	Corbett	Figures	Menton	
Barron	deGraffenried	Hale	Preuitt	
Bedsole	Dixon	Hand	Smith (J)	
Bishop	Drinkard			—17

Nays: —0

Abstaining: Senator Parsons —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 80. Relating to the Alabama Sunset Law; to continue the existence and functioning of the alcoholic beverage control board as provided in Section 28-3-40, Code of Alabama 1975.

On motion of Senator Corbett, further consideration of the Bill, S. B. 80, was postponed subject to the call of the Chair.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 99. To amend Act No. 87-554 enacted at the 1987 Regular Session of the Legislature of Alabama so as to insert in Subsection (1)b1(viii) thereof the appropriate reference to Act No. 87-550.

Also:

H. 550. Relating to Pickens County; authorizing the county commission to levy an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, as

amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; providing for the implementation and expiration of this act; and providing for a referendum.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., S. B. 81, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Figures	Hilliard	
Barron	deGraffenried	Foshee	Horn	
Bedsole	Dixon	Goodwin	Menton	
Bishop	Drinkard	Hale	Smith (J)	
Cabaniss	Ellis	Hand		—18

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 81. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of examiners of mine personnel as provided in Sections 25-9-1 through 25-9-30, Code of Alabama 1975, with certain modifications; to amend Sections 25-9-9 and 25-9-15, Code of Alabama 1975, so as to limit members to two (2) consecutive terms of office; and allow reprimand as disciplinary action.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Menton	
Barron	Corbett	Hale	Parsons	
Bedsole	deGraffenried	Hand	Preuitt	
Bishop	Dixon	Hilliard	Smith (J)	
Cabaniss	Ellis	Holmes		—18

Nays:

—0

FURTHER CONSIDERATION OF S. B. 80

The Senate proceeded to further consideration of the Bill, S. B. 80.

And said Bill, S. B. 80, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Hale	Preuitt	
Barron	deGraffenried	Hand	Rice	
Bedsole	Drinkard	Holmes	Smith (B)	
Cabaniss	Ellis	Horn	Smith (J)	
Campbell	Goodwin	Menton		—18

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 145. CONGRATULATING THE UNIVERSITY OF ALABAMA IN HUNTSVILLE ON THE OPENING OF THE TOM BEVILL CENTER FOR PROFESSIONAL DEVELOPMENT AND CONTINUING EDUCATION.

Also:

H. J. R. 147. RELATIVE TO MEETING DAYS.

Also:

H. J. R. 150. COMMENDING SHELLIE SKIPPER, 1988 MISS LOGAN MARTIN.

Also:

H. J. R. 156. COMMENDING MARY BRYANT DUPREE FOR SIGNIFICANT CONTRIBUTIONS AND ACHIEVEMENT IN THE FIELD OF EDUCATION.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MOTION TO ADJOURN

Senator Corbett moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, March 8, 1988, at 3 o'clock P.M.

Senator Hand offered a substitute motion that when the Senate adjourns today, it adjourn to meet again on Tuesday, March 8, 1988, at 1 o'clock P.M., which motion was lost.

Senator Hand then offered a substitute motion that when the Senate adjourns today, it adjourn to meet again on Tuesday, March 8, 1988, at 2 o'clock P.M., which motion was lost.

The question then recurred on the motion of Senator Corbett, that when the Senate adjourns today, it adjourn to meet again on Tuesday, March 8, 1988, at 3 o'clock P.M., which motion was adopted.

RESOLUTION

Senator Goodwin offered the following Senate Resolution, to-wit:

S. R. 99. MEMBERSHIP OF THE ADVISORY COMMITTEE OF THE ALABAMA STATE DOCKS.

WHEREAS, The Senate of the Legislature of Alabama did fail to confirm certain persons to the Advisory Committee of the Alabama State Docks when names were sent to them for confirmation; and

WHEREAS, It has been brought to the Senate's attention that these persons, though unconfirmed by the Senate, are still listed in the February 1988 issue of "Port of Mobile" as members of the Advisory Committee of the Alabama State Docks; Now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, That Mr. John B. Dutton, Director of the State Docks, be requested to eliminate the listing of unconfirmed members of the Advisory Committee of the Alabama State Docks in the publication "Port of Mobile".

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Dutton.

On motion of Senator Goodwin, further consideration of the Resolution, S. R. 99, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., S. B. 82, adopted.

Yeas 20; Nays 1.

Yeas:

Senators:	deGraffenried	Goodwin	Menton
Bedsole	Dial	Hale	Preuitt
Bishop	Dixon	Hand	Rice
Cabaniss	Ellis	Holmes	Smith (B)
Campbell	Foshee	Horn	Smith (J)
Corbett			

—20

Nay: Senator Amari

—1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 82. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of examiners in psychology as provided in

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Sections 34-26-1 through 34-26-48, Code of Alabama 1975, with certain modifications; to amend Sections 34-26-21, 34-26-22, 34-26-41, 34-26-43 and 34-26-46, Code of Alabama 1975, so as to add 2 members to the board; to limit board members to two (2) consecutive terms of office; to limit board members travel expenses; to allow the recognition of areas of specialization for practice; to authorize the adoption of rules pursuant to the administrative procedure statutes; to allow certain reciprocal agreements for out of state applicants; to remove automatic appropriation clause; and to expand grounds for revoking or suspending licenses.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 82, to-wit:

AMENDMENT TO S. B. 82

Amend S. B. 82 as follows:

On page 4, line 33, delete the word "Three" and in lieu thereof insert the word:

Four

On page 5, line 15, delete the word "area" and in lieu thereof insert the word:

areas

On page 12, lines 6 and 9, delete the word "three" and in each place, insert in lieu thereof the word:

four

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Menton	
Bishop	Dial	Hale	Preuitt	
Cabaniss	Dixon	Hand	Rice	
Campbell	Ellis	Holmes	Smith (B)	
Corbett	Foshee	Horn		—18

Nays: —0

And said Bill, S. B. 82, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Drinkard	Horn	
Amari	deGraffenried	Ellis	Menton	
Bailey	Denton	Goodwin	Preuitt	
Barron	Dial	Hand	Smith (J)	
Bedford	Dixon	Hilliard		—18

Nays: —0

MOTION TO RECESS LOST

At 12:25 P.M., Senator Rice moved that the Senate take a recess until 1:45 this afternoon.

Senator Corbett offered a substitute motion that the Senate adjourn, which motion was lost.

Yeas 9; Nays 15.

Yeas:

Senators:	Corbett	Figures	Rice	
Amari	Dixon	Hilliard	Smith (B)	
Cabaniss	Ellis			—9

Nays:

Senators:	Campbell	Drinkard	Horn	
Bailey	deGraffenried	Goodwin	Menton	
Barron	Denton	Hale	Preuitt	
Bedsole	Dial	Hand	Smith (J)	—15

The question recurred on the motion of Senator Rice, that the Senate take a recess until 1:45 this afternoon, which motion was lost.

Yeas 2; Nays 20.

Yeas:

Senators:	Barron	Smith (B)	—2
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Nays:

Senators:	deGraffenried	Ellis	Hilliard	
Amari	Denton	Figures	Horn	
Bailey	Dial	Goodwin	Menton	
Bedsole	Dixon	Hale	Preuitt	
Campbell	Drinkard	Hand	Smith (J)	
Corbett				—20

FURTHER CONSIDERATION OF S. R. 99

The Senate proceeded to further consideration of the Resolution, S. R. 99.

Senator Goodwin offered the following substitute for the Resolution, S. R. 99, to-wit:

SUBSTITUTE FOR S. R. 99

S. R. 99. MEMBERSHIP OF THE ADVISORY COMMITTEE OF THE ALABAMA STATE DOCKS.

WHEREAS, The Senate of the Legislature of Alabama did fail to confirm certain persons to the Advisory Committee of the Alabama State Docks when names were sent to them for confirmation; and

WHEREAS, It has been brought to the Senate's attention that these persons, though unconfirmed by the Senate, are still listed in the February 1988 issue of "Port of Mobile" as members of the Advisory Committee of the Alabama State Docks; Now therefore,

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BE IT RESOLVED BY THE SENATE OF ALABAMA, That Mr. John B. Dutton, Director of the State Docks, be requested to eliminate the listing of unconfirmed members of the Advisory Committee of the Alabama State Docks in future publications of the "Port of Mobile".

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Dutton.

Which was adopted.

And said Resolution, S. R. 99, as thus amended, was then adopted by the Senate.

MOTIONS IN WRITING

Senator Ellis offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 158, on page 13 of the 10th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 158, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Figures offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 100, on page 36 of the 10th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 100, referred to the Standing Committee on Rules for placement on the Consent Calendar.

FURTHER CONSIDERATION OF S. B. 76

The Senate proceeded to further consideration of the Bill, S. B. 76.

And said Bill, S. B. 76, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Denton	Foshee	Horn	
Bedsole	Dial	Goodwin	Menton	
Campbell	Dixon	Hale	Preuitt	
Corbett	Drinkard	Hand	Smith (J)	
deGraffenried	Ellis	Hilliard		—18

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., S. B. 83, adopted.

Yeas 19; Nays 0

Yeas:

Senators:	deGraffenried	Ellis	Hilliard	
Bedford	Denton	Foshee	Horn	
Bedsole	Dial	Goodwin	Menton	
Campbell	Dixon	Hale	Preuitt	
Corbett	Drinkard	Hand	Smith (J)	—19

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 83. Relating to the Alabama Sunset Law; to continue the existence and functioning of the state board of public accountancy as provided in Sections 34-1-1 through 34-1-22, Code of Alabama 1975, with certain modifications to amend Section 34-1-3, Code of Alabama 1975, so as to: preserve one public accountant on the board; to provide board members the same per diem and allowance as state employees; and to provide for confidentiality of board records.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Drinkard	Hand	
Bailey	deGraffenried	Ellis	Hilliard	
Bedford	Denton	Foshee	Preuitt	
Bedsole	Dial	Goodwin	Smith (J)	
Campbell	Dixon	Hale		—18

Nays:

—0

RESOLUTIONS

Senator Bedford offered the following Senate Resolutions, to-wit:

S. R. 100. COMMENDING S. CARL AARON FOR OUTSTANDING PROFESSIONAL CONTRIBUTIONS AND ACHIEVEMENT.

Also:

S. R. 101. COMMENDING MARY ANNE SANFORD, FAYETTE COUNTY'S MERIT MOTHER OF THE YEAR FOR 1988.

Which were filed.

Senators Bedford, Parsons, Hale, Barron, and Bennett offered the following Senate Joint Resolution, to-wit:

S. J. R. 102. COMMENDING GOVERNOR GUY HUNT ON HIS TOLL ROAD PROPOSITIONS AND URGE HIM TO CONTINUE HIS EFFORTS IN COOPERATION WITHIN THE ALABAMA TOLL ROAD, BRIDGE AND TUNNEL AUTHORITY.

WHEREAS, it is within a sense of great pride that the Alabama Legislature notes the commendable efforts made by Governor Guy Hunt concerning a proposed toll road in our state; and

WHEREAS, Sections 23-2-140 through 23-2-161, Code of Alabama 1975, established the Toll Road, Bridge and Tunnel Authority, the purpose of which is to facilitate vehicular traffic and safety in the state by providing for the construction of modern toll roads, bridges and tunnels in strategic and essential locations, without taxes and without a pledge of the faith and credit of the state; and

WHEREAS, we urge the Governor under the provisions of the Authority to make the necessary preliminary plans and studies for the toll road, institute projections as to the costs of the construction and call upon the membership of the authority in order to expedite the actual construction; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Governor Guy Hunt in his endeavors relating to a toll road in Alabama and direct that a copy of this resolution be sent forthwith to the Governor.

Which was read and referred to the Standing Committee on Rules.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., S. B. 84, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	deGraffenried	Goodwin	Horn
Bailey	Dial	Hale	Menton
Bennett	Dixon	Hand	Preuitt
Campbell	Drinkard	Hilliard	Smith (J)
Corbett	Ellis		

—17

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 84. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Securities Commission as provided in Sections 8-6-50 through 8-6-60, Code of Alabama 1975, with certain modifications; to amend Sections 8-6-52 and 8-6-56, Code of Alabama 1975, so as to restrict members' terms of office to two (2) consecutive terms of office; and to provide further for the salary of the director of the commission.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 84, to-wit:

AMENDMENT TO S. B. 84

Amend Senate Bill No. 84 Page 3, Line 2 by striking out the word "highest" after the word "the"

Further amend Senate Bill No. 84 Page 3, Line 3 by inserting "III" after the word "attorney"

On motion of Senator Corbett, said amendment was laid on the table.

Senator Corbett then offered the following substitute for the Bill, S. B. 84, to-wit:

SUBSTITUTE FOR S. B. 84

A BILL TO BE ENTITLED AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Securities Commission as provided in Sections 8-6-50 through 8-6-60, Code of Alabama 1975, with certain modifications; to amend Section 8-6-52, Code of Alabama 1975, so as to restrict members' terms of office to two (2) consecutive terms of office, effective upon the passage of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties and recommends the continuance of the Securities Commission created and functioning pursuant to Sections 8-6-50 through 8-6-60, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 3 hereof.

Section 2. The existence and functioning of the Securities Commission, created pursuant to Sections 8-6-50 through 8-6-60, Code of Alabama 1975, are hereby continued, and said code sections are hereby expressly preserved.

Section 3. Section 8-6-52, Code of Alabama 1975, is hereby amended to read as follows:

“§ 8-6-52.

“(a) The governor shall biennially appoint one securities commission member to serve for a term of four years; provided, however, that the governor shall designate for the initial appointments one member to serve for a term of two years and one member to serve for a term of four years from their respective dates of appointment and qualification. Upon the expiration of these initial terms, the term of each member shall be four years from the date of his appointment and qualification, until his successor shall qualify; provided further, however, that, upon the effective date of this act, no member shall serve more than two (2) consecutive terms of office.

“(b) Vacancies shall be filled by the governor for the unexpired term.

“(c) Members shall be eligible for reappointment.”

Section 4. The legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2 and 3 hereof.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Campbell	Dixon	Hand	
Amari	Corbett	Drinkard	Horn	
Bailey	deGraffenried	Ellis	Menton	
Bedford	Denton	Goodwin	Preuitt	
Bedsole	Dial	Hale		—18

Nays: —0

And said Bill, S. B. 84, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Corbett	Drinkard	Hilliard	
Bailey	deGraffenried	Ellis	Horn	
Barron	Denton	Foshee	Menton	
Bedsole	Dial	Goodwin	Preuitt	
Campbell	Dixon	Hale	Smith (J)	—19

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., S. B. 85, adopted.

Yeas 18; Nays 1.

Yeas:

Senators:	Denton	Figures	Horn	
Bedsole	Dial	Foshee	Menton	
Campbell	Dixon	Goodwin	Preuitt	
Corbett	Drinkard	Hale	Smith (J)	
deGraffenried	Ellis	Hilliard		—18

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 85. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of auctioneers as provided in Sections 34-4-1 through 34-4-54, Code of Alabama 1975, with certain modifications; to amend Sections 34-4-21, 34-4-50, 34-4-53, and 34-4-54, Code of Alabama 1975, so as to provide for a one-year limit on the grandfather clause; to establish penalties for late renewals of licenses of the board; to require board rules be adopted pursuant to the administrative procedure statutes; to limit board members to two (2) consecutive terms of office; to remove the annual limit of expenses of the board; and to transfer the board's funds to the state treasury.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Ellis	Hilliard	
Barron	Denton	Foshee	Horn	
Bedsole	Dial	Goodwin	Preuitt	
Campbell	Dixon	Hale	Smith (J)	
Corbett	Drinkard	Hand		—18

Nays: —0

RESOLUTION

Senator Denton offered the following Senate Resolution, to-wit:

S. R. 103. MOURNING THE DEATH OF CARLIN GLENN HOWARD OF SHEFFIELD, ALABAMA.

Which was filed.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., S. B. 86, adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Campbell	Dixon	Goodwin	
Bailey	Corbett	Drinkard	Hale	
Barron	deGraffenried	Ellis	Hand	
Bedford	Denton	Figures	Hilliard	
Bedsole	Dial	Foshee	Preuitt	—19

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 86. Relating to the Alabama Sunset Law; to continue the existence and functioning of the examining board for professional entomologists, horticulturists, plant pathologists, floriculturists and tree surgeons as provided in Sections 2-28-1 through 2-28-12, Code of Alabama 1975, with certain modifications; to amend Sections 2-28-4 and 2-28-7, Code of Alabama 1975, so as to require a \$12.00 examination fee by the board; and to allow revocation by the commissioner or by the board of an individual's certification under Chapter 28, Title 2.

was taken up.

Senator Corbett offered the following amendment to the Bill, S. B. 86, to-wit:

AMENDMENT TO S. B. 86

Amend S. B. 86 as follows:

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In the title, page 1, line 24 delete the figure "\$12.00" and in lieu thereof insert the figure:

\$10.00

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Corbett	Drinkard	Hilliard	
Bailey	deGraffenried	Ellis	Horn	
Barron	Denton	Goodwin	Parsons	
Bedford	Dial	Hale	Preuitt	
Bedsole	Dixon	Hand	Smith (J)	
Campbell				—20

Nays: —0

And said Bill, S. B. 86, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Hilliard	
Bailey	deGraffenried	Foshee	Horn	
Barron	Denton	Goodwin	Parsons	
Bedford	Dial	Hale	Smith (J)	
Campbell	Dixon	Hand		—18

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., S. B. 87, adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Corbett	Drinkard	Hand	
Bailey	deGraffenried	Ellis	Hilliard	
Barron	Denton	Foshee	Horn	
Bedford	Dial	Goodwin	Preuitt	
Bedsole	Dixon	Hale	Smith (J)	
Campbell				—20

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 87. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of cosmetology as provided in Sections 34-7-1 through 34-7-47, Code of Alabama 1975, with certain modifications; to amend Section 34-7-40, Code of Alabama 1975, so as to require the boards rules be adopted in compliance with the administrative procedures statutes.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Campbell	Dixon	Hale	
Bailey	Corbett	Drinkard	Hand	
Barron	deGraffenried	Ellis	Hilliard	
Bedford	Denton	Figures	Horn	
Bedsole	Dial	Foshee	Smith (J)	—19

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., S. B. 88, adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Hand	
Bailey	deGraffenried	Figures	Hilliard	
Barron	Denton	Foshee	Horn	
Bedford	Dial	Goodwin	Preuitt	
Bedsole	Dixon	Hale	Smith (J)	
Campbell	Drinkard			—21

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 88. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of social work examiners as provided in Sections 34-30-1 through 34-30-58, Code of Alabama 1975, with certain modifications; to amend Sections 34-30-27, 34-30-33, 34-30-50, 34-30-51 and 34-30-57, Code of Alabama 1975, so as to provide further for the grandfather clause; to provide penalties for unlawful practices; to limit terms of office to 2 consecutive terms; and to specify board rules be adopted pursuant to administrative procedures law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Ellis	Hand	
Bailey	Denton	Figures	Hilliard	
Barron	Dial	Foshee	Horn	
Bedford	Dixon	Goodwin	Preuitt	
Campbell	Drinkard	Hale	Smith (J)	
Corbett				—20

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., S. B. 89, adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Ellis	Hand	
Bailey	Denton	Figures	Hilliard	
Barron	Dial	Foshee	Horn	
Bedsole	Dixon	Goodwin	Preuitt	
Campbell	Drinkard	Hale	Smith (J)	
Corbett				—20

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 89. Relating to the Alabama Sunset Law; to continue the existence and functioning of the liquefied petroleum gas board as provided in Sections 9-17-100 through 9-17-110, Code of Alabama 1975, with certain modifications; to amend Sections 9-17-101, 9-17-103 and 9-17-105, Code of Alabama 1975, so as to limit board members to two (2) consecutive terms of office; to specify rules and regulations of the board be adopted in accordance with state administrative procedure statutes; and to modify insurance requirements.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Hilliard	
Bailey	deGraffenried	Foshee	Horn	
Barron	Denton	Goodwin	Menton	
Bedford	Dial	Hale	Preuitt	
Bedsole	Dixon	Hand	Smith (J)	
Campbell	Drinkard			—21

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., S. B. 90, adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Hand	
Bailey	Corbett	Ellis	Hilliard	
Barron	deGraffenried	Figures	Horn	
Bedford	Denton	Foshee	Menton	
Bedsole	Dial	Goodwin	Preuitt	
Bennett	Dixon	Hale	Smith (J)	—23

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 90. Amending section 41-20-3, Code of Alabama 1975, relating to enumerated agencies pursuant to the state sunset statutes for periodic review of state agencies, boards, councils, departments and bureaus, so as to add the renamed and expanded Alabama plumbers and gas fitters examining board created by section 34-37-2, Code of Alabama 1975, to the list of enumerated agencies, and to delete a reference to the board of medical technicians examiners, which board has been previously terminated.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Hilliard	
Bailey	deGraffenried	Figures	Horn	
Barron	Denton	Foshee	Menton	
Bedsole	Dial	Goodwin	Preuitt	
Bennett	Dixon	Hale	Smith (J)	
Campbell	Drinkard			—21

Nays:

—0

MOTION IN WRITING

Senator Bedsole offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 313, on page 39 of the 10th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 313, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., S. B. 91, adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Hand	
Bailey	Corbett	Ellis	Hilliard	
Barron	deGraffenried	Figures	Horn	
Bedford	Denton	Foshee	Menton	
Bedsole	Dial	Goodwin	Preuitt	
Bennett	Dixon	Hale	Smith (J)	—23

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 91. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of funeral service as provided in Sections 34-13-1 through 34-13-152, Code of Alabama 1975, with certain modifications;

to amend Sections 34-13-20, 34-13-23, 34-13-26, 34-13-29, 34-13-56, 34-13-70, 34-13-90, 34-13-111, 34-13-132 and 34-13-134, Code of Alabama 1975, so as to: limit board members to two (2) consecutive terms of office; to require the board's rules and regulations be promulgated pursuant to the state administrative procedure statutes; to limit board members' travel and per diem allowances; to remove the board's continuing appropriation; to remove the requirement that chairman approves expenditures; to provide for communicable disease notification; to provide for disciplinary action for intoxication by alcoholic beverages and gross negligence in embalming human bodies; to allow reasonable examination fees by the board; to delete references to "branches" of funeral establishments; and to require operators to report on their license renewal dates.

was taken up.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, S. B. 91, to-wit:

SUBSTITUTE FOR S. B. 91

**A BILL
TO BE ENTITLED
AN ACT**

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Funeral Service as provided in Sections 34-13-1 through 34-13-152, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties and recommends the continuance of the Board of Funeral Service, created and functioning pursuant to Sections 34-13-1 through 34-13-152, Code of Alabama 1975.

Section 2. The existence and functioning of the Board of Funeral Service, created pursuant to Sections 34-13-1 through 34-13-152, Code of Alabama 1975, are hereby continued, and said code sections are hereby expressly preserved.

Section 3. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1 and 2 hereof.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Hand	
Bailey	deGraffenried	Figures	Hilliard	
Barron	Denton	Foshee	Horn	
Bedford	Dial	Goodwin	Preuitt	
Bedsole	Dixon	Hale	Smith (J)	
Campbell	Drinkard			—21

Nays: —0

And said Bill, S. B. 91, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 24; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Hand	
Amari	Corbett	Ellis	Hilliard	
Bailey	deGraffenried	Figures	Horn	
Barron	Denton	Foshee	Menton	
Bedford	Dial	Goodwin	Preuitt	
Bedsole	Dixon	Hale	Smith (J)	
Bennett				—24

Nays: —0**ADJOURNMENT**

At 1:30 P.M., on motion of Senator Corbett, in accordance with Motion heretofore adopted, the Senate adjourned until Tuesday, March 8, 1988, at 3 o'clock P.M.

ELEVENTH LEGISLATIVE DAY

TUESDAY, MARCH 8, 1988

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by the Reverend Vincent Rosato, Minister, Providence Presbyterian Church, LeGrande, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Charles Sellers, Carver High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Corbett	Figures	Manley
Amari	Covington	Foshee	Menton
Barron	deGraffenried	Goodwin	Mitchem
Bedford	Denton	Hale	Parsons
Bedsole	Dial	Hand	Preuitt
Bennett	Dixon	Holmes	Rice
Bishop	Drinkard	Horn	Sanders
Cabaniss	Ellis	Langford	Smith (J)
Campbell			

—32

JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Tenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Tenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Bailey, Hilliard, and Smith (B) for today.

MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Wednesday, March 9, 1988, at 12:01 A.M., which motion was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 126. To amend Section 17-10-13, Code of Alabama 1975, relating to the appointment of absentee election manager so as to provide that only Circuit Clerks or Registers who are candidates with opposition shall be disqualified from serving as absentee election manager; to provide that any Circuit Clerk or Register who is disqualified or unwilling to serve as absentee election manager notify the presiding circuit judge not less than 55 days prior to the election; and to further amend Section 17-10-14, Code of Alabama 1975, to provide for the compensation a person serving as absentee election manager is entitled to receive for such services.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 132. To amend §34-24-367 Code of Alabama, 1975 to provide that judicial review of the orders and decisions of the Medical Licensure Commission shall be governed by §41-22-20 of the Alabama Administrative Procedure Act provided that the following procedures take precedence over §41-22-20(c) relating to the issuance of a stay or supersedeas pending judicial review of a decision by the Commission to suspend or revoke a license to practice medicine; to express the legislative purpose and intent that the imposition of the penalty of suspension or revocation of the license to practice medicine creates a presumption that the continuation in practice of the physician constitutes an immediate danger to the public health, safety and welfare; to provide that no stay or supersedeas shall be granted pending judicial review unless the reviewing court finds in writing that the action of the Commission was taken without statutory authority, was arbitrary or capricious, or constituted a gross abuse of discretion; to provide that an order of the Commission temporarily suspending a license to practice medicine shall not be stayed pending judicial review unless the reviewing court finds in writing that the order of the Commission temporarily suspending the license was issued without statutory authority, was arbitrary or capricious, constituted gross abuse of discretion or was made in violation of the requirements of §41-27-19(d) of the Alabama Administrative Procedure Act.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 52. COMMENDING CHEROKEE COUNTY AREA VOCATIONAL SCHOOL.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 94. MOURNING THE DEATH OF GOVERNOR JAMES E. FOLSOM OF CULLMAN, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 65. MOURNING THE DEATH OF JAMES ELISHA FOLSOM OF CULLMAN, ALABAMA.

Also:

S. J. R. 71. HONORING THE RIGHT REVEREND FURMAN CHARLES STOUGH FOR SERVICE TO THE EPISCOPAL CHURCH AND TO THE DIOCESE OF ALABAMA.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 67. NAMING STATE HIGHWAY 69 FROM COFFEEVILLE TO GUNTERSVILLE, ALABAMA, "THE FOLSOM-MCFARLAND HIGHWAY."

Also:

S. J. R. 69. COMMENDING THE CITY OF DECATUR AND BUCH-EON CITY, REPUBLIC OF KOREA.

Also:

S. J. R. 97. MOURNING THE DEATH OF GEORGE WASHINGTON YARBROUGH OF MOBILE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 119. To amend Section 5-19-4, Code of Alabama 1975, relating to consumer finance, so as to require actuarial method of computation on consumer loans and consumer credit sales with an original term of more than 61 months; to provide for the charging and collecting of an amount not to exceed five percent of the original principal balance or total line of credit in consumer credit transactions secured by an interest in real property; to provide that provisions of this act are cumulative to, and not in derogation of rights under other provisions of state and federal law and shall not in any way repeal, amend or modify the provisions of Section 8-8-5, Code of Alabama 1975.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 115. Relating to banks and banking, which amends Title 5 of the Code of Alabama 1975 by adding Chapter 14A so as to create the "Alabama Credit Card Act"; provides a short title; provides definitions; authorizes any bank holding company, bank holding company subsidiary, domestic lender or foreign lender to establish or acquire, and own and control either singly or jointly with other bank holding companies, bank holding company subsidiaries, domestic lenders or foreign lenders, a single credit card bank whose principal place of business is in Alabama subject to the approval of the Superintendent of Banks; provides the terms, conditions and limitations under which a credit card bank may be established or acquired, and owned and controlled; provides that in connection with a credit card account any domestic lender or credit card bank may provide in the credit card agreement such finance charges, interest rates, charges for cash advances, charges for exceeding pre-established credit limits, late fees or delinquency charges, premiums on credit life and credit accident and health insurance, annual fees, and other charges and fees, and such other terms and conditions as the lender and the debtor may agree to from time to time; provides for regulatory supervision of, and enforcement authority over, credit card banks; provides for applications, and application filing fees to the Superintendent of Banks; provides that the Superintendent may order credit card banks to cease all operations under certain conditions and may impose civil penalties for failure to abide by such order; provides that the Superintendent may require divestiture of a credit card bank under certain conditions; provides

that the Superintendent may promulgate rules and regulations; provides that credit card banks shall be subject to all other banking laws except where any rights, powers, privileges or provisions thereof are inconsistent with the rights, powers, privileges, provisions or limitations of Chapter 14A of Title 5 of Code of Alabama 1975; provides that a credit card bank shall not be considered a "bank" for the purpose of certain banking laws; provides for severability of provisions; provides for the repeal of Section 5-20-1, Code of Alabama 1975, which establishes fees for credit cards and certain other open-end credit plans, and for the amendment or repeal of conflicting provisions of law; and provides an effective date.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 95. To amend Section 35-10-26, Code of Alabama 1975, so as to provide that title passing by a mortgage will not divest until all secured obligations are paid and there is no commitment or agreement by the mortgagee to make advances, incur obligations or otherwise give value under any agreement; to provide for the satisfaction of mortgages; to provide for severability of the provisions of this Act; to provide for repeal of conflicting laws; and to provide an effective date.

JOHN W. PEMBERTON,
Clerk.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 115. Relating to banks and banking, which amends Title 5 of the Code of Alabama 1975 by adding Chapter 14A so as to create the "Alabama Credit Card Act"; provides a short title; provides definitions; authorizes any bank holding company, bank holding company subsidiary, domestic lender or foreign lender to establish or acquire, and own and control either singly or jointly with other bank holding companies, bank holding company subsidiaries, domestic lenders or foreign lenders, a single credit card bank whose principal place of business is in Alabama subject to the approval of the Superintendent of Banks; provides the terms, conditions and limitations under which a credit card bank may be established or acquired, and owned and controlled; provides that in connection with a credit card account any domestic lender or credit card bank may provide in the credit card agreement such finance charges, interest rates, charges for cash advances, charges for exceeding pre-established credit limits, late fees or delinquency charges, premiums on credit life and credit accident and health insurance, annual fees, and other charges and fees, and such other terms and conditions as the lender and the debtor may agree to from time to time; provides for regulatory supervision of, and enforcement authority over, credit card banks; provides for applications, and application filing fees to the Superintendent

of Banks; provides that the Superintendent may order credit card banks to cease all operations under certain conditions and may impose civil penalties for failure to abide by such order; provides that the Superintendent may require divestiture of a credit card bank under certain conditions; provides that the Superintendent may promulgate rules and regulations; provides that credit card banks shall be subject to all other banking laws except where any rights, powers, privileges or provisions thereof are inconsistent with the rights, powers, privileges, provisions or limitations of Chapter 14A of Title 5 of Code of Alabama 1975; provides that a credit card bank shall not be considered a "bank" for the purpose of certain banking laws; provides for severability of provisions; provides for the repeal of Section 5-20-1, Code of Alabama 1975, which establishes fees for credit cards and certain other open-end credit plans, and for the amendment or repeal of conflicting provisions of law; and provides an effective date.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

QUORUM CALL

At 4:13 P.M., Senator Corbett requested that the President and Presiding Officer ascertain the presence of a quorum.

On a call of the roll, the following Senators responded to their names:

Senators:	Corbett	Goodwin	Menton	
Barron	deGraffenried	Hand	Mitchem	
Bedsole	Dial	Holmes	Preuitt	
Cabaniss	Ellis	Horn	Rice	
Campbell	Foshee	Manley	Smith (J)	—19

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Hale:

S. 491. To establish a new regulatory and licensing board for the practice of cosmetology and barbering; to create the Alabama board of cosmetology and barbering; to provide for suspension and revocation of licenses; to prescribe penalties for certain violations; and to repeal chapters 5 and 7 of Title 34, Code of Alabama 1975, relating to barbers and cosmetologists.

Committee on Governmental Affairs.

By Senator Bedford:

S. 492. To amend sections 34-27-2 through 34-27-8, 34-27-10, 34-27-11, 34-27-30 through 34-27-38, 34-27-50 through 34-27-52, 34-27-57, 34-27-58, 34-27-60 through 34-27-64 and 34-27-66 through 34-27-68 of the Code

of Alabama 1975, which relate to the regulation of real estate and time-sharing brokers, salesmen and transactions and to the real estate commission and its executive officers, so as to provide further for such regulation, for the duties of such executive officers and for penalties and to repeal section 34-27-9 relating to bonds of such executive officers; Sections 34-27-2 through 34-27-8, 34-27-10, 34-27-11, 34-27-30 through 34-27-38, 34-27-50 through 34-27-52, 34-27-57, 34-27-58, 34-27-60 through 34-27-64 and 34-27-66 through 34-27-68 of the Code of Alabama 1975 are hereby amended to read as follows:

"§34-27-2.

"(a) For purposes of articles 1 and 2 of this chapter, the following terms shall have the respective meanings ascribed by this section:

"(1) PERSON. Such term includes partnerships and corporations means a natural person.

"(2) BROKER means any person licensed as a real estate broker under the provisions of articles 1 and 2 of this chapter.

"(2) REAL ESTATE BROKER. Any person who, for a fee, commission or other valuable consideration, or who, with the intention or expectation of receiving or collecting a fee, commission or other valuable consideration, provides rent list, or lists, sells, purchases, exchanges, rents, leases, options or auctions real estate or the improvements thereon, or negotiates or attempts to negotiate any real estate transaction, or advertises or holds himself out as engaged in the real estate business.

"(3) SALESMAN means any person licensed as a real estate salesman under the provisions of articles 1 and 2 of this chapter.

"(3)(4) QUALIFYING BROKER. A licensed broker making application for a broker's license for means a broker under whom a corporation, partnership, or branch office; is licensed, or a broker licensed to do business as a sole proprietorship, and who is responsible for supervising the acts of the company or proprietorship and all real estate licensees licensed therewith.

"(5) COMPANY means any corporation, partnership, or branch office licensed as a company under the provisions of articles 1 and 2 of this chapter.

"(4)(6) ASSOCIATE BROKER. A person licensed as a real estate broker and engaged by or on behalf of a licensed qualifying broker to do any act or deal in any activity regulated by this chapter for compensation or otherwise means any broker other than a qualifying broker.

"(5) REAL ESTATE SALESMAN. A person licensed as a real estate salesman and engaged by or on behalf of a licensed qualifying broker to do any act or deal in any activity regulated by this chapter, for compensation or otherwise.

"(7) LICENSEE means any broker, salesman or company.

"(8) COMMISSION means the Alabama Real Estate Commission, except where the context requires that it means the fee paid to a broker or salesman.

"(6)(9) ENGAGE. The term engage or any derivative thereof, shall include all types of work means contractual relationships between a real estate qualifying broker, and an associate broker or real estate salesman licensed under him whether such the relationship is employer-employee, master servant, independent contractor, or otherwise.

~~“(7)(10) INACTIVE LICENSE STATUS. The terms ‘active’ and ‘inactive’ refer to the status of the license rather than the level of activity of the licensee. An inactive means a license is one which is being held by the Alabama real estate commission office by law, order of the commission, or at the request of the license or which is renewable but is not currently valid because of failure to renew.~~

~~“(8)(11) LICENSE PERIOD. That means that period of time beginning on October 1 of a year designated by the real estate commission to be the first year of a license period and ending on midnight September 30 of the year designated by the commission as the final year of that license period. A license period may be one or more years in length.~~

“(12) COMMISSIONER means a member of the commission.

“(13) RECOVERY FUND means the Alabama Real Estate Recovery Fund.

~~“(b) The real estate licensing requirements of articles 1 and 2 of this chapter shall not apply be applicable to the following persons and transactions: activities. Specifically, the activities of any:~~

~~“(1) Person who, as a bona fide owner or lessor, is performing any act with reference to property owned or leased where such acts are performed as an incident to the management of such property and the investment therein;~~

“(1) Any owner in the managing of, or in consummating a real estate transaction involving, his own real estate or the real estate of his spouse or child or parent; or

“(2) Attorney-at-law performing his duties as an attorney-at-law; or

“(3) Person acting without compensation not acting directly or indirectly for any compensation who is acting and in good faith under a duly executed power of attorney authorizing the consummation of a real estate transaction; or for the owner for the purpose of closing a sale, purchase, lease or exchange of real estate;

“(4) State Person or a state or federally chartered financial national financial institution or any person acting as a receiver, a commissioner acting under order of court, trustee, administrator, executor or guardian; or acting under a court order or under authority of a deed of trust instrument or will; or

“(5) Public officer performing his official duties; or

~~“(6) Person buying real estate and acquiring title in his name, in his spouse's name, in his son's name or in his daughter's name or selling or leasing such real estate without compensation for his own account or for the account of his spouse, his son or his daughter;~~

“(7)(6) Person Clerical or office help performing general clerical or office administrative duties for a broker; so long as the provided, that such person help shall does not physically show listed property; or

~~“(8)(7) Person acting as the on-site resident manager for the owner of, or an employee acting as the resident manager for a broker managing an apartment building, or duplex, apartment complex or court when such resident if the manager resides on the premises, and is engaged in the leasing of~~

~~property in connection with his employment. However, this exception shall not apply to a person acting as an on-site manager of a condominium building or complex; or~~

~~“(9)(8) Person licensed as a time-share seller under article 3 of this chapter performing any an act consistent with the provisions of that article; or article 3 of this chapter; provided, that any qualifying broker for a registered vacation timesharing plan must also be licensed by the Alabama real estate commission as a real estate broker.~~

~~“(e) The reporting requirements of articles 1 and 2 of this chapter shall pertain to the real estate licensing requirements of this chapter, and shall not pertain to the timeshare sales license provisions contained in article 3.~~

~~“(9) Transactions involving the sale, lease, or transfer of cemetery lots.~~

~~“§34-27-3.~~

~~“(a) It shall be unlawful for any person, partnership or corporation who is not a resident of bona fide citizen and Alabama resident and a licensed broker or licensed salesman in this state to perform any of the acts described in section 34-27-30; regulated by this chapter; except, that a licensed broker of another state may cooperate act as co-broker with a licensed broker of this state by executing a written agreement specifying each parcel of property covered by the agreement and any commission or fee resulting from such cooperative negotiations shall be divided by agreement between the cooperating brokers; provided, that if the state in which the nonresident broker is licensed resides offers the same privileges to the licensees of this state.~~

~~“(b) In each instance herein where in Whenever an Alabama broker enters into a cooperating co-brokerage agreement with a nonresident broker performing to perform in Alabama any of the acts described in section 34-27-30 regulated by this chapter within the state of Alabama, the Alabama broker must shall file within 10 days immediately with the Alabama real estate commission a copy of each such the written agreement, for each piece of property offered between the two brokers. Said agreement shall be filed with the Alabama real estate commission. By signing the said agreement, the said nonresident broker agrees to abide by the Alabama law, and the rules and regulations of the commission; and further agrees as set forth and be subject thereto, including an irrevocable consent that civil legal actions may be commenced against him in any the proper court of competent jurisdiction in any county of this state in which a claim cause of action may arise. Any licensed Alabama broker who fails to file said written agreement shall be deemed in violation of this chapter and shall be subject to a reprimand, fine, and/or revocation or suspension of his or her license.~~

~~“§34-27-4.~~

~~“All fees, fines, and charges, or other money, except as otherwise provided in section 34-27-31 of this chapter, collected by the Alabama real estate commission under the provisions of this chapter shall be paid into the state treasury and shall constitute a separate fund to be disbursed by the state comptroller on order of the executive director at the direction of the commission. A proportionate share of all money moneys collected by the commission as license fees and as late penalties for a multi year license period which are collected during the first fiscal year of a multi-year that license period or during the renewal period immediately preceding that first year shall be reserved in the separate fund by the state comptroller to be disbursed for commission expenses incurred in the subsequent year(s) years of that~~

license period. The proportion for each year shall be determined by dividing the amount of ~~moneys~~ money collected by the commission as license fees and late penalties during that first year or during the renewal period immediately preceding that first year by the number of years within that multi-year license period. All other ~~moneys~~ money including penalty fees collected by the commission shall be disbursed during the fiscal year in which they are collected. The state comptroller and state treasurer are directed to pay all All expenses incurred by the commission in performing its responsibilities and exercising its authority under the provisions of this chapter, including the compensation of members, employees, attorneys and witnesses, shall be paid out of from the separate fund in the state treasury upon on warrants of the state comptroller drawn upon on the state treasury from time to time when vouchers therefor are exhibited and approved by on order of the executive director. The state treasurer is directed to pay money out of the separate fund hereinabove provided for upon the order of the executive director of the commission; provided, that, the total expenses for every purpose incurred shall not exceed the amount appropriated therefor by the legislature, in the general appropriation bill; and provided further, that no funds shall be withdrawn or expended except as shall be budgeted and allotted in accordance with the provisions of sections 41-4-80 through 41-4-96, article 4 of chapter 4 of Title 41, and all All money moneys remaining unexpended in the separate fund hereinabove provided, except for the money those moneys reserved by the state comptroller for disbursement in the subsequent years of a multi-year license period, at the end of each fiscal year shall be conveyed to the state treasury to the credit of the general fund of the state of Alabama.

"§34-27-5.

"The commission shall upon on the request of the probate judge of any the several counties county of the this state of Alabama provide said the judge county with a list of persons who are licensed by under the Alabama real estate commission and who reside in that county.

"§34-27-6.

"The commission is hereby authorized to may approve, sponsor, contract for or conduct, ~~or hold or to assist in sponsoring or conducting or holding~~ real estate courses or institutes for licensees, and to may incur and pay the necessary expenses in connection therewith, which courses or institutes shall be open to any licensee. The commission shall have the authority to enter into direct contracts with agencies to perform testing and educational services.

"The commission is hereby authorized and empowered to promulgate rules and regulations relative to the establishment and conducting of any course of study or instruction which is designed to satisfy the educational requirements of section 34-27-32. As a condition to meeting the requirements of section 34-27-32, any such course, course of study or instruction shall be established and conducted in accordance with the rules and regulations of the commission.

"§34-27-7.

"(a) There is hereby created the Alabama real estate commission. The commission shall consist of seven members appointed by the governor with

the advice and consent of the senate. Appointments made at times when the senate is not in session shall be effective ad interim. Any appointment made by the governor while the senate is in session must be submitted to the senate not later than the third legislative day following the date of appointment; any appointment made while the senate is not in session shall be submitted not later than the third legislative day following the reconvening of the legislature. Each appointee shall have been a resident and citizen of this state for at least 10 years prior to his appointment and whose vocation for at least 10 years shall have been that of a real estate broker or real estate salesman. No person convicted of a violation of any federal or state real estate license law former Title 46, sections 298 through 311, Code of Alabama 1940, or of this chapter shall be eligible to serve. Not more than one member from any congressional district shall be appointed to serve at the same time. The members of the commission shall ~~be appointed to serve five-year terms, of five years each. p~~At the expiration of each term, the governor shall appoint, subject to confirmation by the senate as provided above, a member to fill the vacancy, and such appointment shall be for a term of five years, or Each member shall hold office until his successor is appointed and qualifies qualified. All appointments shall expire on September 30 of the final year of a term, or on the date a successor to the member is appointed and qualifies qualified. ~~In the event of~~ If a member does not serve ~~serving the full extent of his full term,~~ the governor shall appoint, subject to confirmation by the senate, a member to serve the unexpired portion of such the term.

~~“(b) Immediately upon~~ On the appointment of ~~any a~~ new commissioner, the commission shall meet and select ~~organize by selecting~~ from its members a chairman, and ~~may do all things necessary and convenient for carrying into effect the provisions of this chapter and may from time to time promulgate rules and regulations that are necessary to properly administer this chapter.~~

~~“(c) Each member of the commission shall receive as full compensation for his services the sum of \$300.00 per month and his actual and necessary expenses incurred in the performance of performing his official duties pertaining to his office. The members of the real estate commission, the its staff members, and the attorney(s) attorneys shall be reimbursed for their actual expenses for official travel on official business of the real estate commission within or without the state of Alabama.~~

~~“(e)(d) The commission may employ an executive director and an assistant executive director, both of whom shall be exempted from the classified service under the general laws of the state, and such other staff members as it shall deem are necessary to discharge the its duties imposed by the provisions of this chapter and to effect its purposes, and and administer this chapter. The assistant executive director shall act as and have authority of the executive director in his absence. the~~ The commission shall determine the duties and fix the compensation of such the executive director, assistant executive director, and other staff members, subject to the general laws of the state.

~~“(d)(e) The commission shall adopt a seal by which it shall authenticate its proceedings records and documents. Copies of all records and documents papers in the office of the commission duly certified and authenticated by the seal of the said commission shall be received in evidence in all courts equally and with like effect as the original. All public records kept in the office of the commission under authority of this chapter shall be open to~~

public inspection under during reasonable hours and under reasonable circumstances. rules and regulations as shall be prescribed by the commission.

“(e)(f) No commissioner shall be liable for damages resulting from any acts act performed by a commissioner in carrying out his the lawful duties as a commissioner. of the commission shall not be subject to litigation for any acts taken as a commissioner.

“§34-27-8.

“The commission may act by a majority of the its members thereof, and authority is hereby given to the commission to authorized and empowered to adopt, fix and establish and enforce all rules and regulations in its opinion necessary for the conduct of its business, the holding of hearings before it and otherwise generally for the enforcement and administration of the provisions of this chapter, and to otherwise do all things necessary and convenient for effecting the provisions of this chapter.

“§34-27-10.

“(a) The requirements of this chapter shall be in addition to the requirements of existing or future laws or ordinances of any state, county or municipality so taxing, or licensing or regulating real estate brokers or salesmen.

“(b) However, a A licensee under this chapter shall not be subject to the requirements of section 40-12-150 when he sells, offers to sell or advertises for sale realty situated in another state or county.

“(c) Licensees under this chapter shall be exempt from the provisions of section 5-19-22.

“§34-27-11.

“(a) Any person or corporation which violates violating any a provision of articles 1 or 2 of this chapter shall, commits a Class A misdemeanor and, upon conviction, shall be punished accordingly. of a first violation thereof, if a person, be punished by a fine of not less than \$100.00 nor more than \$500.00, or by imprisonment for a term not to exceed 90 days, or both, and, if a corporation, be punished by a fine of not more than \$1,000.00. Upon conviction of a second or subsequent violation, the violator, if a person, shall be punished by a fine of not less than \$500.00 nor more than \$1,000.00 or by imprisonment for a term not to exceed two years, or both, and, if a corporation, be punished by a fine of not less than \$2,000.00 nor more than \$5,000.00. Any officer or agent of a corporation, or any member or agent of a partnership who shall personally participate in or be accessory to any violation of this chapter by such corporation or partnership shall be subject to the penalties herein prescribed for individuals. Any court of competent jurisdiction shall have full power to try any violation of this chapter, and upon conviction, the court may impose the penalties herein provided for in this section.

“(b) Whoever willfully violates any lawful rule, regulation or order of the commission or whoever is adjudged guilty of any offense specified in section 34-27-37 or section 34-27-36, after a hearing as provided in section 34-27-3, or after entering a plea of guilty in lieu of such hearing, may be officially reprimanded by the commission or may be required by the commission to pay a penalty of not less than \$25.00 nor more than \$500.00 to be assessed and collected by the commission; or, if a licensee, may have his

~~license suspended or revoked and, in addition, be required by the commission to pay a penalty of not less than \$25.00 nor more than \$500.00. Any party penalized under this subsection shall have the right of review as provided for in section 34-27-38.~~

“(b) Any person who files with the commission any notice, statement or other document or information required under the provisions of this chapter which is false or untrue or contains any material misstatement of fact commits a Class A misdemeanor and, on conviction, shall be punished accordingly.

“§34-27-30.

~~“It shall be unlawful for any person, partnership, corporation, or branch office, for a fee, commission or other valuable consideration, or with the intention or expectation of receiving or collecting a fee, commission or other valuable consideration to provide rent lists, or to list, sell, purchase, exchange, rent, lease, option or auction real estate or the improvements thereon, or to negotiate or attempt to negotiate any real estate transaction, or to advertise or hold himself out as engaged in the real estate business unless such person, partnership or corporation, or branch office, is licensed as a broker or salesman under the provisions of this chapter or is excluded from the operation of this chapter by other provisions hereof. from another, to do any of the following unless he is licensed under articles 1 and 2 of this chapter:~~

“(1) sell, exchange, purchase, rent, or lease real estate;

“(2) offer to sell, exchange, purchase, rent, or lease real estate;

“(3) negotiate or attempt to negotiate the listing, sale, exchange, purchase, rental, or leasing of real estate;

“(4) list or offer or attempt or agree to list real estate for sale, rental, lease, exchange, or trade;

“(5) auction, offer or attempt or agree to auction, real estate;

“(6) buy or sell or offer to buy or sell, or otherwise deal in options on real estate;

“(7) aid, attempt, or offer to aid in locating or obtaining for purchase, rent, or lease any real estate;

“(8) procure or assist in procuring of prospects for the purpose of effecting the sale, exchange, lease, or rental of real estate;

“(9) procure or assist in the procuring of properties for the purpose of effecting the sale, exchange, lease or rental of real estate; or

“(10) present himself or be presented as being able to perform an act for which a license is required.

“§34-27-31.

~~“(a) Licenses shall be granted only to, and held only by, persons who are trustworthy and competent to transact the business of a real estate broker or real estate salesman in such manner as to safeguard the interest of the public. Every applicant for a license as a real estate broker or real estate salesman should be a person who has not been convicted of a felony or a criminal offense involving moral turpitude in this or any other state. The applicant shall reveal on his application any convictions. The applicant~~

~~must be a person whose application or license has not been rejected or revoked in this state or any other state within two years prior to date of application on any grounds other than failure to pass the written examination. Each applicant for a license shall be at least 19 years of age, and shall be a citizen of the United States or shall possess a recertification of lawful permanent residence issued by the immigration and naturalization bureau of the United States government.~~

~~“(b) Each qualifying broker must sign a statement that he accepts the responsibility for the actions covered by this chapter of any and all salesmen or associate brokers licensed under him or any corporation or partnership for whom he is the qualifying broker. It shall be the duty and responsibility of every qualifying broker to see that all transactions of every licensee engaged by him or any corporation, partnership or branch office for which he is qualifying broker comply with the provisions of this chapter. The qualifying broker shall be responsible to any injured party for the damage caused to such party by any violation of this chapter by any licensee engaged by him. This subsection in no wise relieves any licensee or any corporation, partnership or branch office from any liability that he would have without this chapter.~~

~~“(e)(a) The commission is authorized and directed to establish and maintain a real estate recovery fund from which any person, an aggrieved party except real estate licensees or bonding companies when they are not principals in a real estate transaction, aggrieved by an act or omission of a duly licensed broker, salesman, corporation, partnership or branch office, which is in violation of the provisions of this chapter or the rules and regulations promulgated pursuant thereto, may recover, by order of the circuit court or other court having competent jurisdiction where the violation occurred, for only actual or compensatory damages, and not including interest and court costs, sustained as a result of conduct of a broker or salesman in violation of a provision of article 1 or 2 of this chapter or the rules and regulations of the commission, by the act, representation, transaction or conduct; provided, that nothing shall be construed to obligate the fund for more than \$25,000.00 per transaction regardless of the number of persons aggrieved or parcels of real estate involved in such transaction; nor shall any provision hereof be construed to prohibit any person from exercising the option of purchasing a bond in the open market payable to the state of Alabama in the amount of \$50,000.00. Said bond shall provide coverage equivalent to the coverage provided by the real estate recovery fund. In addition:~~

~~“(b) Notwithstanding any other provision, payments from the recovery fund are subject to the following conditions and limitations:~~

~~“(1) This section shall not be construed to obligate the The fund shall not be obligated for the acts or omissions of a licensed broker, or salesman, corporation, partnership or branch office while acting on his or its own behalf or on behalf of his child or spouse or parent in regarding property owned by him or it, respectively, in which the licensee he or his spouse or child or parent has, or is attempting to acquire, an interest; or for the acts or omissions of an inactive licensees licensee; or for the acts or omissions of a corporation, branch office or partnership except through its licensed salesmen and brokers as individuals. Nor shall the fund be obligated for any judgment or settlement resulting from an act or omission of a broker or salesman committed in violation of this chapter or any chapter governing the issuance of time sharing sales licenses when such act or omission was~~

done in conjunction with the marketing or development of a time-sharing project and the party committing the act or omission was licensed under the time-sharing license law.

"(2) The liability of the fund for the acts or omissions of a duly licensed broker, salesman, corporation, partnership or branch office, when acting as such, is terminated upon the issuance of court orders authorizing payments from the fund for judgments, or any unsatisfied portion of judgments, in an aggregate amount of \$50,000.00 on behalf of such licensee. Payments for claims based on judgments or settlements against any one person shall not exceed \$50,000.00 in the aggregate.

"(3) Payments for claims arising out of the same transaction shall not exceed \$25,000.00 in the aggregate, regardless of the number of claimants.

"(4) The fund shall not be liable for payments to a licensee or bonding company unless the licensee or bonding company was a principal party to a real estate transaction on which the judgment was based.

"(c) When any person makes application for an original license to practice as a broker, or salesman, corporation, partnership or branch office, he shall pay, in addition to his original license fee all other fees, a fee of \$30.00 for deposit in the real estate recovery fund. In the event the commission does not issue the license, this fee shall be returned to the applicant.

"(d) If, during any given fiscal year, When the balance remaining in the real estate recovery fund is less than \$500,000.00, every licensee each broker and salesman shall on order of the commission pay a fee of \$30.00 per license for deposit in the real estate recovery fund. A licensee on inactive status shall not be required to contribute to the fund at that time; however, unless his license is on inactive status. If any licensee who is exempted from paying the real estate recovery fund fee by virtue of his license being on inactive status should activate his license during such a license period, he shall pay a fee of \$30.00 at the time his license is activated, a fee of \$30.00. No licensee shall be required to pay into the recovery fund more than \$30.00 for any one fiscal year.

"(e)(1) No action for a judgment which subsequently results in an order for collection from the real estate recovery fund shall be started later than as provided by appropriate Alabama statute of limitation of action thereon. When any an aggrieved person commences action for a judgment which may result in collection from the real estate recovery fund, the aggrieved person shall notify the commission in writing, by certified mail, return receipt requested, to this effect at the time of the commencement of such the action. The commission is hereby authorized to employ legal counsel and shall have the right to intervene in and defend against any such action. Any expenses incurred will be paid from the recovery fund.

"(2) When the commission receives the notice described in subdivision (e)(1), the commission may enter an appearance, file pleadings and motions, appear at court hearings, defend the action or take whatever other action it deems appropriate either on the behalf and in the name of the defendant or in its own name. The commission may also take any appropriate method of review either on behalf and in the name of the defendant or in its own name. The commission is further may authorized to settle or compromise said the claim, and in that event, the claim may be paid directly from the fund. Any expenses incurred by the commission in defending, satisfying or settling any claim shall be paid from the recovery fund.

~~“(2)(3) When any an aggrieved person recovers a valid judgment in any a court of competent jurisdiction against a broker or salesman any licensee, for any act or omission which is in violation of the provisions of this chapter or the regulations promulgated pursuant thereto, on the grounds described in subsection (a) above which occurred on or after October 1, 1979, the aggrieved person may, upon on the termination of all proceedings, including reviews and appeals in connection with the judgment, file a verified claim in the court in which the judgment was entered and, upon on 10 days written notice to the commission, may apply to the court for an order directing payment out of the real-estate recovery fund of the amount unpaid upon on the judgment, subject to the limitations stated in this section.~~

~~“(3)(4) The court shall proceed upon on such application in a summary manner forthwith and, upon on the hearing thereof, the aggrieved person shall be required to show that:~~

~~“a. He is not a the spouse, child or parent of the debtor, or the personal representative of such the spouse, child or parent;~~

~~“b. He has obtained a judgment, as described set out in subdivision (3) subdivision (2) of subsection (e) of this section, stating the amount thereof of the judgment and the amount owing thereon on the judgment at the date of the application, and, that in such action, he had joined any and all bonding companies which issued corporate surety bonds to the judgment debtor as principal and all other necessary parties;~~

~~“c. That the The following items, if any, as recovered by him, have been applied to the actual compensatory damages awarded by the court:~~

~~“1. Any amount recovered from the judgment debtor or debtors;~~

~~“2. Any amount recovered from the bonding company or companies;~~

~~“3. Any amount recovered in out-of-court settlements as to particular defendants.~~

~~“(4)(5) The court shall make an order directed to the commission requiring payment from that the real-estate recovery fund pay of whatever sum it shall find finds to be payable upon the claim, pursuant to due under the provisions of and in accordance with the limitations contained in of this section, if the court is satisfied, upon the hearing, of the truth of all matters required to be shown by the aggrieved person.~~

~~“(5)(6) Should the commission pay from the real-estate recovery fund any amount in settlement of a claim or toward satisfaction of a judgment against a licensee, all licenses the license of such the licensee may be terminated by the commission, upon the issuance of a court order authorizing payment from the real-estate recovery fund, and no such licensee shall be eligible to receive a new license, at the discretion of the commission, The commission may refuse to issue a new license to the former licensee until he has repaid in full, plus interest at the rate of 10 12 percent a year, the amount paid from the real-estate recovery fund on his account. A discharge in bankruptcy shall not relieve a person from the penalties and disabilities provided, in this subdivision section.~~

~~“(6)(7) If, at any time, the money deposited balance in the real-estate recovery fund is insufficient to satisfy any a duly authorized claim or portion thereof of a claim, the commission shall, when sufficient money has been deposited in the real-estate recovery fund, satisfy such the unpaid claims or~~

portions, plus interest at the rate of 12 percent a year thereof in the order that ~~such the claims or portions thereof were originally filed, plus accumulated interest at the rate of six percent a year.~~

“(f) The sums received by the commission pursuant to ~~any the provisions of this section shall be deposited into the state treasury and held in a special fund to be known as the real estate recovery fund, and shall be held by the commission in trust for carrying out the purposes of this section~~ the recovery fund. These ~~funds sums~~ may be invested by the state treasurer in any investments which are legal for domestic life insurance companies under the laws of this state. Any interest or other income from investments of the recovery fund shall be deposited in equal shares, as it accrues, into the general fund of the state treasury and the ~~real-estate~~ commission fund.

~~“(g) It shall be unlawful for any person or his agent to file with the commission any notice, statement or other document required under the provisions of this section which is false, untrue or contains any material misstatement of facts and shall constitute a misdemeanor.~~

~~“(h) When the commission receives notice, as provided in subsection (e), the commission may enter an appearance, file an answer, appear at the court hearing, defend against the action or take whatever other action it may deem appropriate on the behalf and in the name of the defendant, and take recourse through any appropriate method of review on behalf and in the name of the defendant.~~

~~“(i)(g) When, upon the on order of the court, the commission has paid from the real-estate recovery fund any sum to the judgment creditor, the commission shall be subrogated to all the rights of the judgment creditor, and the judgment creditor shall assign all his right, title and interest in the judgment, to the extent of the amount paid from the recovery fund, shall thereby be assigned to the commission, and any Any amount and interest so recovered by the commission on the judgment shall be deposited to the fund.~~

~~“(j)(h) The failure of an aggrieved person to strictly comply with all of the provisions of this section shall constitute a waiver of any rights hereunder under this section.~~

~~“(k) If at any time there is rendered a final judgment against a licensee under this chapter, the license of the principal may be suspended. A judgment shall be considered final when no further relief is available from said judgment in the appeal courts of Alabama. In case of such suspension of license, the commission shall give notice to the licensee that his license is suspended, and said licensee shall deliver his license to the commission for disposition. Upon request by the suspended licensee, the commission will set a date designating the date, time and place thereon for a hearing on the question of whether the license under suspension should be revoked, whether the suspension should be continued or whether the suspension should be terminated upon the fulfillment of reasonable conditions imposed by the commission. The hearing shall be conducted as hereinafter provided. No salesman or broker whose license has been revoked may apply for a license hereunder until at least two years after the date of such revocation and, in the event of such application for reinstatement, he shall meet all the requirements imposed upon an original applicant for a license under this chapter and shall not be relicensed unless a majority of the commission votes in favor of such relicensing.~~

~~“(1)(i) Each licensee shall~~ It shall be the duty of every licensee, notify the commission within 10 days after receipt by notice to him of a citation issued to him from any court of competent jurisdiction or within 10 days from the institution of any criminal prosecution against him, or of a civil summons and complaint against him, if the subject matter of which the civil complaint involved involves a real estate transaction, to which he was a party, of any real estate matter or which involved or involves the good will of an existing real estate business, to notify the commission of such citation or prosecution in writing. Such The notification shall be in writing by United States registered mail or certified mail and shall must include a copy of the summons and any complaint naming the licensee as defendant, or, in the event of if a criminal charge, the specific charge made against the licensee. him together with a copy of any indictment or information alleging the charges. For failure to give such notification within the 10 day period the commission may suspend the license of such licensee from the date on which he receives written notice of suspension from the commission until he is reinstated by the commission or in lieu of or in addition to such suspension, the commission may impose an official reprimand or a fine of not less than \$25.00 nor more than \$500.00.

~~“(m)(j) Each licensee shall~~ It shall be the duty of every licensee to report to notify the commission in writing by certified mail within 10 days after receipt by him of he receives notice of such, the rendering of a judgment that any criminal verdict has been rendered against him, or of a criminal verdict against him, or of the withdrawal or dismissal of any that a civil or criminal action pending against him when such judgment, verdict, withdrawal or dismissal concerned a legal has been dismissed, or that a civil action in which he was a defendant and which involving involved a real estate matter transaction or the good will of a real estate company business has resulted in a judgment or been dismissed. Such The notification shall be in writing and shall must include a copy of the court order or other official document giving the licensee notice, by which the licensee was notified of the judgment, verdict, withdrawal or dismissal. The notification to the commission shall be by United States certified mail or registered mail. For failure to give such notification within the 10 day period, the commission may suspend the license of such licensee from the date on which he receives written notice of the suspension from the commission until the license is reinstated by the commission, or in lieu of or in addition to such suspension, the commission may impose an official reprimand or a fine of not less than \$25.00 nor more than \$500.00.

“§34-27-32.

“(a) A license for a broker or a salesman shall be issued only to, and held only by, a person:

“(1) who is trustworthy and competent to transact the business of a broker or salesman in a manner that safeguards the interest of the public;

“(2) whose application or license has not been rejected or revoked in any state within two years prior to date of application on any grounds other than failure to pass a written examination. Any applicant whose license has been revoked must meet all the requirements imposed on an original applicant for a license and shall not be relicensed without the approval of the commissioners;

“(3) who is at least 19 years old;

"(4) who is a citizen of the United States or is an alien with permanent resident status; and

"(5) who is a resident of Alabama. Provided that one who obtains an Alabama license while a resident may retain it on inactive status if he should no longer be an Alabama resident.

"The commission may, in its discretion, reject the application of any person who has been convicted of or pleaded guilty or nolo contendere to a felony or a crime involving moral turpitude.

"(a)(b) Every application for a real estate broker's license shall A person desiring to be a real estate broker in this state must apply therefor in writing upon blanks prepared for a broker's license on a form prescribed by the commission. Along with the application, he shall submit:

"(1) proof satisfactory to the commission that he has been engaged full time as a had an active real estate broker's or salesman's licensed license in any state by the state of Alabama or another state for a period of at least twenty-four months of the thirty-six month period two years immediately prior preceding to the date of application, and

"(2) proof that he has been awarded a diploma is a high school graduate from a duly accredited high school, or a certificate from a recognized educational institution the equivalent, to a high school diploma. He shall also submit

"(3) proof that he has completed a course in real estate approved by the commission., and

"(4) any other information requested by the commission.

"In lieu of two years' experience as a salesman and completion of a course approved by the Alabama real estate commission the requirements of subdivisions (1) and (3) hereof, said the applicant may furnish a certificate proof that he has received a degree in real estate or successfully completed at least 15 semester hours or its equivalent in real estate courses subjects at an accredited college or university approved by the commission. He shall also furnish such other data and information as the commission may require.

"(b)(c) Every applicant for a salesman's license shall A person desiring to be a real estate salesman in this state must apply therefor in writing upon blanks prepared for a salesman's license with the commission on a form prescribed by the commission, and shall Along with the application he must furnish: such data and information as the commission may require. Along with the application, he shall submit

"(1) proof that he has been awarded a diploma from a duly is a high school graduate accredited high school or a certificate from a recognized educational institution the equivalent, to a high school diploma. Said applicant shall also furnish

"(2) proof that he has successfully completed a course in real estate approved by the commission., and

"(3) any other information required by the commission. The applicant shall be allowed 60 days after passage of the examination to secure a broker for sponsorship, after which time he must meet the requirements of an original applicant. With the submission of the proper license fee, the broker under whom he is to be licensed must sign a sworn statement that the

salesman is, in his opinion, honest, trustworthy, of good reputation, and that he accepts responsibility for the actions of such salesman as set out in section 34-27-31.

~~“(e)(d) An application for a broker’s company license for a corporation, partnership or branch office shall be made by a qualifying broker on a form prescribed by the commission. The qualifying broker must be an officer, partner or employee of the company. No broker’s license shall be issued to a corporation, partnership or branch office unless an officer, partner or employee so designated to qualify the corporation, partnership or branch office has been issued a qualifying broker’s license as an individual. When the officer, employee or partner so designated has been issued a qualifying broker’s license as an individual and the corporation, partnership or branch office has complied with all pertinent requirements for the issuance of a broker’s license to it, the commission shall for a fee of \$15.00, per year for each year within the applicable license period, issue to it a broker’s license. Each such designated officer, partner or employee of the corporation, partnership or branch office so licensed shall be entitled to perform all the acts of a qualifying broker as agent of such corporation, partnership or branch office, but shall not so act on his own behalf as long as he continues to be a qualifying broker, unless the written consent thereto of such corporation, partnership or branch office is filed with the commission.~~

~~“(d)(e) If the applicant for a broker’s company or broker license maintains more than one place of business within in the state, he shall apply for and obtain an additional firm must have a company license for each such separate location or branch office. Every application shall state the location of such the branch office and the name of its qualifying broker the person in charge of it. Each branch office shall be under the direction and supervision of a qualifying broker licensed at that address. No person may serve as qualifying broker at more than one location. The qualifying broker for the branch office and the qualifying broker for the corporation, partnership, or sole proprietorship shall share equal responsibility for the real estate activities of all licensees assigned to a the branch office.~~

~~“(e) All applicants for a real estate license must be bona fide residents of this state prior to submitting application to take the examination, and shall submit evidence of such residence as required by the real estate commission.~~

~~“(f) A broker or salesman previously licensed and whose license has expired may renew same at any time within the license period following the license period within which he held a license upon application to the commission without taking a written examination; provided, that a penalty shall be paid as provided in section 34-27-35(b).~~

~~“(g)(f) Any qualifying broker, properly authorized, No person may serve as be qualifying broker for more than one corporation or partnership company or for a company and on his own behalf unless: provided~~

~~“(1) he first obtains the written consent of all All corporations or partnerships companies for which he is and proposes to be the already a qualifying broker; consent in writing, and further provided he~~

~~“(2) He files a copy of the written consent with the commission, and~~

~~“(3) He will be is doing business from the same location.~~

"A person Any licensee licensed under a qualifying broker may be engaged by one or more a corporation or partnership which has companies with the same broker as a qualifying broker.

"(h)(g) A company license shall become invalid on the death or disability of a qualifying broker. The license of a corporation or partnership shall cease unless at least one designated officer, partner or salesman, as the case may, is a licensed broker, except as hereinafter provided. Within 30 days after the death or disability of the broker through whom the corporation or partnership has qualified as a broker hereunder, the corporation, or the remaining partner or partners or the successor partnership, if any, may designate another of its officers, members or salesmen duly designated by the governing body of such corporation or partnership to apply for a temporary license as temporary qualifying broker, provided that the The individual thus person designated, as temporary qualifying broker if not already either must be a licensed broker or under this chapter, must have held an Alabama license as been a salesman for a period of at least one year prior to the filing of his the application, to act as broker, and such corporation or partnership If the application is granted, the company may operate under that broker continue to act as a broker for a period of no more than six months after the death or disability of its former qualifying broker. Unless the company designates a fully licensed broker as the qualifying broker within the six months, the company license shall be classified inactive by the commission. On or before the expiration of said six month period, unless the corporation or partnership designates a person who is licensed as a broker under other provisions of this chapter, some designated officer, member or salesman of such corporation or partnership must successfully complete the broker's examination and comply with all of the other requirements of this chapter for the licensing of a broker, otherwise the authority of such corporation or partnership to act as a real estate broker shall terminate at the end of such six month period. During the six month period the commission shall have the right to suspend or revoke the license of the partnership or corporation for cause as elsewhere provided herein.

"(i) No license issued by any municipality or by any county to any person, partnership, corporation, or branch office, purporting to license such person, partnership, corporation or branch office to act as a real estate broker or salesman shall be valid unless such licensee holds a valid license issued to such applicant pursuant to this chapter.

"§34-27-33.

"(a) In addition to other requirements of this chapter, proof of the honesty, trustworthiness and good reputation of any applicant for a license, every applicant for a real estate broker's or real estate salesman's license shall submit to a reasonable written examination, except as hereinabove provided, to be conducted by the commission. The commission shall conduct examinations at its discretion, but at least once quarterly, at such place places and time times as it shall prescribe be set by the commission. The commission is authorized to contract with an independent testing agency to prepare, grade or conduct this examination. The fee for such examination shall be \$75.00 for each and every examination taken by the applicant, and no refund shall be made in the event if an applicant fails the examination, but such fee shall be deposited to the account of the Alabama real estate commission. The examination fee shall be paid by certified check, cashier's check, or money order. In the event If an applicant is scheduled and issued a written permit for an examination and fails to appear, one-half of the

examination fee of \$75.00 will be forfeited. ~~Liability for forfeiture occurs at the time the examination permit is issued.~~

“(b) The applicant shall have 60 days after passing the examination to secure a qualifying broker or to have his license classified as inactive; otherwise, he must meet all requirements of an original applicant. In order to obtain an active license, the applicant's qualifying broker must sign and submit to the commission a sworn statement that the salesman is in his opinion honest, trustworthy, and of good reputation and that he accepts responsibility for the actions of such salesman as set out in section 34-27-31.

~~“(b) In the event the licensure of any real estate broker or salesman shall be revoked by this commission, no new license shall be issued to such person, unless he meets all requirements of this chapter and complies with all provisions of this chapter.~~

~~“(c) No person shall be permitted or authorized to act as a real estate broker or salesman until he has qualified by examination, except as herein provided, and until he actually receives in his possession the license certificate issued by the Alabama real estate commission.~~

~~“(d)(c) Upon satisfactorily On passing such the examination and complying with all other provisions of this law and conditions for licensure of this chapter, a license certificate shall thereupon be issued to the successful applicant. The applicant is not licensed until he or his qualifying broker actually receives the license certificate, and upon actually receiving such license certificate the applicant is authorized to conduct the business of a real estate broker or real estate salesman in this state.~~

~~“§34-27-34.~~

~~“(a) All licenses issued to a real estate broker shall designate the address of the principal place of business, and all licenses issued to a real estate salesman or associate broker shall designate the broker under whom said salesman or associate broker is licensed.~~

~~“(a)(1) A duly licensed broker whose may serve as qualifying broker for a salesman or associate broker only if his principal business is other than that of a real estate broker shall not be allowed to serve as the qualifying broker for any licensed real estate salesman or associate broker, and no license shall be issued to any licensee purporting to work for any such licensed qualifying broker unless it can be shown that the qualifying broker and he will be in a position to actually supervise the real estate activities of any such the associate broker or salesman on a full-time basis.~~

“(2) A salesman or associate broker may not perform acts for which a license is required unless licensed under a qualifying broker. A qualifying broker shall be held responsible to the commission and to the public for all acts governed by this chapter of each salesman and associate broker licensed under him and of each company for which he is the qualifying broker. It shall be the duty of the qualifying broker to see that all transactions of every licensee engaged by him or any company for which he is the qualifying broker comply with the provisions of this chapter. Additionally, the qualifying broker shall be responsible to an injured party for the damage caused by any violation of this chapter by any licensee engaged by the qualifying broker. This subsection does not relieve a licensee from liability that he would otherwise have.

~~"Notice in writing shall be given to the commission by~~

~~"(b) any Any real estate salesman or associate broker of his who desire desires to change his qualifying broker shall give notice in writing to the commission, and he shall send a copy of said the notice to the his qualifying broker under whom he is licensed, and he shall submit evidence to the commission that this has been done. The new qualifying broker must file with the commission A a request for the transfer directed to the commission by the licensed qualifying broker to whom the salesman or associate broker is about to transfer and a statement from the qualifying broker assuming liability for the licensee. him shall be sent to the commission. Upon On payment of a fee of \$25.00, a new license certificate shall be issued by the commission to such the salesman or associate broker for the unexpired term of the original license. No license transfer shall be made during the month of September of the final year of a license period except in case of undue hardship.~~

~~"(b)(c) If for any reason a qualifying broker A person who wishes to terminate his relationship status as qualifying broker for to a licensee and to be relieved of future responsibility for the acts of such licensee, he may do so by notifying the licensee and the commission in writing and sending in the licensee's license certificate to the commission or certifying verifying in writing to the commission that the license certificate has been lost or destroyed.~~

~~"(e)(d) If for any reason a qualifying broker A person who wishes to terminate his status as a qualifying broker for a corporation, partnership or branch office and be relieved of future responsibility for the acts of the corporation, partnership or branch office, he company may do so by notifying in writing submitting written notice to the corporation, partnership company or qualifying broker of the main office parent company and the commission.~~

~~"(d)(e) It shall be unlawful for any real estate A salesman or associate broker to shall not perform any act of the acts contemplated by this chapter, either directly or indirectly, for which a license is required after his association with his qualifying broker has been terminated, or if he changes qualifying brokers, until a new active another license has been issued by the Alabama real estate commission.~~

~~"§34-27-35.~~

~~"(a) The commission shall issue to each licensee a license in such form and of such size as shall be prescribed by the commission. prescribe the form and content of license certificates issued. A Each qualifying broker's license certificate shall show the name and business address of the licensee broker, and, if an associate broker, the name of his qualifying broker. A salesman's The license certificate of a salesman or associate broker shall show his name and the name and address of the his qualifying broker, under whom he is licensed. Each license shall have imprinted thereon the seal of the commission and, in addition to the foregoing, shall contain such matter as shall be prescribed by the commission. The license certificate of each real estate salesman or associate broker shall be delivered or mailed to the business address of such salesman or associate broker and shall be addressed to the attention of the his qualifying broker for that office. Each such license shall be kept in the custody and control of the broker who serves as by the qualifying broker of the office to which the licensed salesman or associate broker is assigned and shall be publicly displayed at the address which appears on the license certificate that office.~~

"(b) The commission shall have the authority, at its discretion, to establish a one-year or multi-year license period.

"(b)(c) The following fees or licenses shall be paid by all licensees in the state of Alabama. The original fee for each real estate broker's license issued to an individual shall be \$25.00 per year for each year within the applicable or portion of a year remaining in the respective license period, and the annual renewal fee for a each such real estate broker's license shall be \$25.00 per year for each year of the applicable license period. The original fee for each real estate salesman's license shall be \$15.00 per year for each year or portion of a year remaining in the respective of the applicable license period, and the renewal fee for each real estate salesman's license shall be \$15.00 per year for each year within the applicable license period. The original fee for each company license issued to a corporation, partnership, or branch office, shall be \$15.00 per year for each year or portion of a year remaining in the respective of the applicable license period, and the renewal fee for each such license shall be \$15.00 per year for each year of the license period.

"(d) The license of a salesman who is subsequently issued a broker's license automatically terminates upon receipt of his broker's license certificate, and he must return his salesman's license certificate to the commission. If the salesman's license is so terminated during a year prior to the final year of a multi-year license period, the licensee will receive a refund equal to the license fee paid for each full year remaining in the respective license period. However, no refund shall be made of any penalty fee or recovery fund deposit pertaining to the salesman's license.

The provisions of this subsection notwithstanding, no person who has purchased a bond in the open market, payable to the state of Alabama, shall be required to pay into the real estate recovery fund. Upon proof such bond provides coverage equivalent to the coverage provided by the real estate recovery fund, and in an amount not less than \$50,000.00, the commission shall waive any fee for deposit in the real estate recovery fund. In addition, no person whose license is on inactive status at the time of its renewal shall be required to pay a fee for deposit in the real estate recovery fund, unless and until such licensee shall activate his license during a license period for which a real estate recovery fund fee was required of all renewing licensees. In the event of such license activation, the licensee will be required to pay into the real estate recovery fund, at the time of the license activation, a fee for deposit of \$30.00.

"Required renewal fees must accompany (e) The commission shall prescribe a license renewal form a certificate of continuation in business, which must accompany renewal fees and must be filed on or before August 31 of the final year of each license period. Licensees who renew during the period from September 1 of the final year of a license period through October 31 of the initial year of the following license period, shall pay a penalty of \$15.00 in addition to the license fee. Any license renewing during the period from November 1 through September 30 of the initial year of a license period through the end of that license period shall pay the required license fee, plus a penalty of \$65.00, \$15.00 and a \$50.00 reactivation fee. After the final day of a license period, an unexpired license shall not be renewable and the licensee must apply as an original applicant. A broker or salesman who places his license on inactive status rather than submitting a certificate of continuation in business will be subject to the same requirements for timely renewal and the same penalties for late renewal or nonrenewal as other licensees.

~~“(c) Every applicant for a license as broker or salesman, other than an applicant for renewal of an existing license, shall pay, in addition to the fees provided for in subsection (b) of this section, the examination fee of \$75.00, which payment must be made by separate certified check, cashier's check, post office money order or money order issued by any person duly licensed to do business in Alabama under chapter 7 of Title 8; provided, that an additional fee of \$75.00 is paid each time the examination is taken.~~

~~“(d) Licensees under this chapter shall be exempt from the provisions of sections 5-19-22 and 5-19-27.~~

~~“(e) Each licensee shall file, on or before August 31 of the final year of a license period, a certificate of continuation in business on a form prescribed by the Alabama real estate commission, or a request that his license be placed on, or continue on, inactive status for the upcoming license period.~~

~~“(f) The certificate of continuation in business or a request for inactive status renewal form shall be mailed by the commission to the licensee's place of business, if an active licensee, or to his residence if on an inactive status licensee, prior to August 1 of the final year of each license period. It shall be the responsibility of each Each licensee to must notify the commission in writing of any change of in his business or residence address within 30 days of the change.~~

~~“(g) Every license shall expire at midnight on the thirtieth day of September 30 of the final year of each license period. An expired license may be renewed during the twelve-month period following the license period for which the license was current. The license of any A licensee who fails to file a renewal form certificate of continuation in business or a request for an inactive classification status prior to before the end of the twelve-month period following the license period for which the license was issued thirtieth day of September of the final year of a license period shall not be renewable, and such broker or salesman shall be subject to all the requirements of such sections applicable to persons who have never been licensed, unless the commission for good cause shown, determines that the certificate of continuation or request for inactive status could not have been filed by the end of the thirtieth day of such September, but is filed within 15 days from said date.~~

~~“(f) The commission shall have the authority, at its discretion, to issue licenses, which shall be prepaid for a period of one or more years at the prevailing fees.~~

~~“(g)(h)(1) Effective August 1, 1983, a A licensed broker or salesman licensee may request to that the real estate commission that his license be placed classify his license on as inactive status, and Inactive licenses will be held at the commission office until such time as the license is reactivated activated. No act for which a license is required may be performed under an inactive license.~~

~~“(h) Any licensee whose license has been on inactive status more than 50 percent of the time during a given license period shall not be able to activate his license during the following license period without first successfully completing a real estate course approved by the commission.~~

~~“(2) The active license of any licensee who changes residence from Alabama to another state or country shall become inactive immediately upon~~

the change of residence. The licensee must submit his license certificate to the commission within 20 days of the change of residence.

“(3) Any licensee whose license has been inactive for more than 50 percent of the 24 months immediately preceding the date he proposes that the license be activated shall not be able to activate his license without first providing proof to the commission that he has successfully completed a refresher course approved by the commission.

“§34-27-36.

“(a) The commission or its staff may upon on its own motion and shall, or upon on the verified complaint in writing of any person, investigate the actions and records of a licensee. The commission may issue subpoenas and compel the testimony of witnesses and the production of records and documents during an investigation. If probable cause is found, a formal complaint shall be filed and the commission shall hold a hearing on the formal complaint. The commission shall revoke or suspend the license and/or impose a fine of not less than \$25.00 nor more than \$1,000.00 or reprimand the licensee in each instance in which the licensee is found guilty of: hold a hearing for the refusal to license or the suspension or revocation of a license previously issued. The commission shall have full power to refuse a license for cause or to revoke or suspend a license or otherwise punish the licensee, as provided herein, where such license has been obtained by false or fraudulent representation, or where the licensee, in performing or attempting to perform any of the acts mentioned herein, is deemed to be guilty of:

“(1) Making any substantial misrepresentations; Procuring, or attempting to procure, a license, for himself or another, by fraud, misrepresentation or deceit, or by making a material misstatement of fact in an application for a license; or

“(2) Making any false promises of a character likely to influence, persuade or induce any person to enter into any contract or agreement; Engaging in misrepresentation or dishonest or fraudulent acts when selling, buying, trading, or renting real property of his own or of a spouse or child or parent; or

“(3)a. Making a material misrepresentation, or

“b. Failing to disclose to a potential purchaser or lessee any latent structural defect or any other defect known to the licensee. Latent structural defects and other defects do not refer to trivial or insignificant defects but refer to those defects that would be a significant factor to a reasonable and prudent person in making a decision to purchase or lease; or

“(4) Making any false promises of a character likely to influence, persuade or induce any person to enter into any contract or agreement; or

“(3)(5) Pursuing a continued and flagrant course of misrepresentation or the making of false promises through agents or salesmen or any medium of advertising or otherwise; or

“(4)(6) Publishing or causing to be published any advertisement which does or which is likely to deceive the public, or which in any manner tends to create a misleading impression or which fails to identify the person causing the advertisement to be placed as a licensed broker or salesman; or any misleading or untruthful advertising or using any other trade name or insignia of membership in any real estate organization of which the licensee is not a member;

~~“(5)(7) Acting for more than one party in a transaction without the knowledge and consent in writing of all parties for whom he acts; or~~

~~“(6)(8)a. Failing, within a reasonable time, to properly account for or to remit any moneys money coming into his possession which belong belongs to others; or comingling money belonging to others with his own funds; or a complete record must be kept of funds showing to whom the money belongs, date deposited, date of withdrawal and other pertinent information concerning the transaction.~~

~~“b. Failing to deposit and account for at all times all All funds belonging to, or being held for others, shall be deposited in a separate federally insured account or accounts in a financial institution approved by the commission and accounted for at all times; or~~

~~“c. Failing to keep for at least three years a complete record of funds belonging to others showing to whom the money belongs, date deposited, date of withdrawal and other pertinent information; or~~

~~“(7)(9) Placing a ‘for sale’ or ‘for rent’ sign on any property offering it for sale, lease or rent without the owner’s consent of the owner; or~~

~~“(8)(10) Failing to furnish voluntarily furnish a copy copies of all each listings listing, sales contracts contract, leases lease or and other document agreements to all each parties party executing the same document with reasonable promptness; or~~

~~“(9)(11) Paying any profit, compensation, or commission or fee to, or dividing any profit, compensation, commission or fee with, anyone to any person other than a duly licensed real estate broker or real estate salesman licensee or multiple listing service; or~~

~~“(10)(12) Paying or receiving any rebate from any person in a real estate transaction; or~~

~~“(11)(13) Inducing any party to a contract sale or lease to break such the contract for the purpose of substitution substituting in lieu thereof of a new contract, where such the substitution is motivated by the personal gain of the licensee; or~~

~~“(12)(14) If the licensee is a salesman or associate broker, accepting Accepting a commission or other valuable consideration as a real estate salesman or associate broker for the performing any act performance of any of the acts specified in this chapter for which a license is required from any person except his qualifying broker; or the licensed real estate broker under whom he is licensed;~~

~~“(13)(15) If the licensee is a qualifying broker or company, allowing a salesman or associate broker licensed under him or engaged by him to post signs on property to advertise himself advertising themselves as a real estate agent agents without the name or trade name of the qualifying broker or company by whom the salesman or associate broker is engaged appearing on the advertising thereon in letters of the same size at least as large as or larger size than the name of the salesman or, associate broker; or if the licensee is a salesman or associate broker, posting signs on property advertising himself or herself as a real estate agent without the name or trade name of the qualifying broker or company by under whom the salesman or associate broker is engaged licensed appearing on the advertising thereon in letters at least as of the same or larger large as size than the name of the salesman or associate broker; or~~

~~“(14)(16) Presenting to the Alabama real estate commission, as payment for a fee or fine, a check that is returned unpaid; or~~

~~“(15) If a licensee is a broker, advertising by linear advertisements or otherwise to sell, buy, exchange, rent, lease, list or mortgage property in a manner indicating that the offer to sell, buy, exchange, rent, lease, list or mortgage such property is being made by a private party not engaged in the real estate business, and no advertisement shall be inserted in any publication where only a post office box number, telephone number or street address appears. Every broker shall, when advertising real estate, either through linear advertisements or otherwise, affirmatively and unmistakably indicate that the party advertising is a real estate broker and not a private party; provided, that a broker, if he is the owner of the property which he is advertising, has all the rights of a nonbroker owner;~~

~~“(16) If licensee is a qualifying broker, allowing any unlicensed salesman or associate broker to do any act or engage in any activity regulated by this chapter in the name of or under the authority of the qualifying broker;~~

“(17) Establishing an association, by employment or otherwise, with an unlicensed person who is expected or required to act as a licensee, or aiding or abetting or conspiring with a person to circumvent the requirements of this chapter; or

~~“(17) If licensee is a salesman or associate broker, advertising to purchase any property or offering for sale, rent or lease any property under his own name as all advertising must be under the direct supervision and in the name or trade name of the broker by whom he is engaged; provided, that a salesman or associate broker, if he is the owner of the property which he is advertising, has all the rights of the nonsalesman owner;~~

~~“(18) Failing to disclose to an owner his the licensee's intention to acquire, or true position, whether he directly or indirectly, purchased for himself or acquires or intends to acquire any an interest in or options to purchase property which he or his associates have been employed to sell; or~~

“(19) Wilfully violating Violating or disregarding any provision of this chapter or any any lawful rule, regulation or order of the commission; or

~~“(20) Having been convicted in a court of competent jurisdiction of forgery, embezzlement, obtaining money under false pretenses, extortion, conspiracy to defraud or any other like offense;~~

~~“(21)(20) If a broker, accepting a ‘net listing’ agreement for sale of real property or any interest therein. A ‘net listing’ is one that stipulates a net price to be received by the owner with the excess due to be received by the broker as his commission; or Any broker, when securing a listing, must add the broker's fee, thereby notifying the seller listing the property of the gross listed price therein;~~

~~“(22)(21) Representing Misrepresenting or failing to disclose to any lender, guaranteeing agency or any other interested party, the true terms of a sale of real estate; or either verbally or through the preparation of false documents, an amount in excess of the true and actual sale price of the real estate or terms differing from those actually agreed upon;~~

“(23)(22) Failure of a licensee Failing to inform the buyer and or seller at the time an offer is presented that he will be expected to pay certain closing costs such as discount points and the approximate amount of said those costs; or

~~“(24) Failure to disclose to a buyer a known material defect regarding the condition of a parcel of real estate of which a broker or salesman has knowledge;~~

~~“(25) Having been convicted of a felony or having entered a plea of guilty or nolo contendere to a felony charge;~~

~~“(23)a. Having entered a plea of guilty or nolo contendere to, or having been found guilty of or convicted of a felony or a crime involving moral turpitude; or~~

~~“b. Having a final money judgment rendered against him which results from an act or omission occurring in the pursuit of his real estate business or involves the goodwill of an existing real estate business; or~~

~~“(26)(24) Using prizes, money, free gifts or other valuable consideration as inducements to:~~

~~“a. Secure customers to purchase, rent or lease property when the awarding of such prizes, money, free gifts or other valuable consideration is conditioned upon the purchase, rental or lease; or~~

~~“b. Secure clients to list properties with registrant licensee; or~~

~~“(25) e. Solicit, sell or offer for sale real estate by offering Offering free lots or conducting lotteries for the purpose of influencing a purchaser or prospective purchaser of party to purchase or lease real estate or;~~

~~“(27)(26) Failure Failing to include a fixed date of expiration in any a written listing agreement and or failing to leave a copy of the agreement with the principal; or~~

~~“(28)(27) Any act of conduct, whether of the same or of a different character than hereinabove specified, Conduct which constitutes or demonstrates dishonest dealings, bad faith, incompetency or untrustworthiness; or dishonest, fraudulent or improper dealing.~~

~~“(28) Acting negligently or incompetently in performing an act for which a person is required to hold a real estate license; or~~

~~“(29) Failing or refusing on demand to produce a document, book, or record in his possession concerning a real estate transaction conducted by him for inspection by the commission or its authorized personnel or representative; or~~

~~“(30) Failing within a reasonable time to provide information requested by the commission during an investigation or after a formal complaint has been filed; or~~

~~“(31) Failing without cause to surrender to the rightful owner, on demand, a document or instrument coming into his possession; or~~

~~“(b)(32) If a qualifying broker or company, failing to All brokers shall keep in their own files copies of all sales contracts, leases, listings and other records pertinent to real estate transactions of consummated sales for a period of three years. All brokers shall keep records of all funds of others coming into their hands showing to whom the money belongs, date deposited, date of withdrawal and other pertinent information concerning the transaction for a period of three years. All above required records shall be subject to inspection by any member or duly authorized employee of the Alabama real estate commission.~~

“(b) If it appears that a person, firm, corporation, or any business entity has engaged, or is about to engage, in an act or practice constituting a violation of a provision of article 1 or 2 of this chapter or any rule or order of the commission, the commission, through the attorney general, may institute legal actions to enjoin the act or practice and to enforce compliance with articles 1 and 2 of this chapter or any rule or order of the commission. To prevail in such action, it shall not be necessary to allege or prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation thereof.

“§34-27-37.

“(a) Upon a complaint initiated by the commission or filed with it, the accused shall be given 15 days’ notice of hearing upon the charges filed, together with a copy of the complaint. An action against an accused shall begin by serving the accused either personally or by certified mail with a copy of the formal complaint against him. The accused shall be given at least 15 days notice of the time, date and place of hearing. If the commission refuses to license an applicant, notice of such the refusal shall be given to the applicant by the commission, and he may, within 15 days after delivery of such the notice, file a request for a hearing. The applicant or accused shall have an opportunity to be heard thereon in person or by counsel, to offer testimony in his behalf and to examine witnesses. Hearings shall be held by the commission in the county in which the applicant resides or in which the accused maintains his principal place of business, unless the applicant or accused agrees to be heard in another county. If the accused does not maintain his place of business in Alabama, then the hearing shall be held in his county of residence. If the accused neither resides or maintains a place of business in Alabama, the hearing shall be held in Montgomery county. At such hearings, all witnesses shall be sworn in by a member of the commission, the executive director, the assistant executive director, or a hearing officer. The commission shall render a written order on any complaint within 30 days from the final date of hearing, on such complaint and shall immediately notify the parties to the proceedings, in writing, of its ruling, order or decision, and shall provide a copy of its written order to all parties. In the event If the matter contained alleged in the complaint shall have been filed or made a part of case is the subject of an action pending in any court in this state, the commission may then withhold the rendering or implementation implementing of its order until pending disposition of the court action has been disposed of.

“(b) The commission may is hereby authorized and empowered to issue subpoenas for the attendance of witnesses and the production of records and documents books and papers in cases where specific charges are pending, either at the instance of the commission or the accused. The process issued by the commission shall extend to all parts of the state, and such process shall be served by any a person designated by the commission for such service or by mailing the process same by certified or registered mail. In the event any person serves such process, he shall receive such compensation as may be allowed by the commission, not to exceed the fee prescribed by law for similar services. A subpoenaed Any witness who shall be subpoenaed and who shall appear appears in any a proceedings proceeding before the commission shall receive fees, as allowed by law and mileage and expense per diem allowances as authorized allowed by the commission, the mileage and per diem not to exceed the mileage and per diem rates allowed by the state of Alabama to its employees, and all All such fees, mileage and expense

~~per diem~~ payments shall be taxed against the party or parties subpoenaing the witness(es) witness.

~~“(c) If Where, in any a proceedings proceeding before the commission, any a subpoenaed witnesses witness shall fail fails or refuse refuses to attend upon subpoena issued by the commission, shall or refuse refuses to testify or shall fails or refuse refuses to produce subpoenaed documents or records, any books and papers as herein provided, the production of which is called for by the subpoena, the his attendance of such witness and the giving of his testimony and or the production of the documents and records books and papers shall be enforced by any circuit court of this state, in the same manner as the attendance and testimony of witnesses is enforced in civil cases in the courts of this state.~~

~~“(d) Any party to a contested case An accused, applicant or other party to a case heard by the commission who deems himself is aggrieved by a final decision and desires to do so, may file an application for rehearing specifying grounds for relief within 15 days of receiving notice of the decision the order. An application for rehearing does not modify the effective date of the decision order and is appropriate only if the final order decision is:~~

~~“(1) In violation of constitutional or statutory provisions;~~

~~“(2) In excess of the statutory authority of the agency commission;~~

~~“(3) In violation of an agency a commission rule;~~

~~“(4) Made upon unlawful procedure;~~

~~“(5) Affected by other error of law;~~

~~“(6) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or~~

~~“(7) Unreasonable, arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.~~

~~“Within 30 days from the filing of the application for rehearing the commission shall enter an order setting set a hearing date on the application, or shall enter an order without a hearing, or shall grant or deny the application. If the applicant is granted a rehearing, the commission will schedule a rehearing as soon as practicable. If the commission does not enter an order within 30 days from the filing of the application for rehearing, the application shall be deemed to have been be denied following the expiration of the 30 day period.~~

~~§34-27-38.~~

~~“(a) Findings of made by the commission are deemed final conclusive unless within 30 days after notice the date of the commission’s final order, decision of the commission has been given to an applicant or accused, said the applicant or accused shall file files a notice of appeal or review of said finding or ruling to in the circuit court of Montgomery county, or of the county of his residence, if an Alabama resident; or, if a corporation registered in Alabama, in the circuit court of the county of registration or the county in which the corporation has its principal place of business in Alabama. A Any party appealing a decision taking an appeal shall file a notice of appeal or review with the circuit court clerk of the appropriate county and shall post a \$200.00 appeal satisfactory bond in the amount of \$200.00 with the clerk of the circuit court; with at least one solvent surety, conditioned to~~

~~prosecute such appeal to effect and, upon failure to do so, to pay all costs and damages which may be adjudged against said party by the circuit court on such appeal. The clerk of the The circuit clerk court shall notify the executive director or assistant executive director of the commission of the appeal after the clerk has approved the appellant's bond.~~

“(b) An appeal does not act as supersedeas, but the decision of the commission may be stayed by the court pending such appeal.

“(c) and the The executive director and assistant executive director of the commission shall within 30 days of service of the notice of appeal, or within such additional time as the court may allow, file the record in the case with the circuit clerk. forward to the clerk of the circuit court the charge against the applicant or licensee, the findings or rulings of the commission, and the original or a certified copy of the entire record and transcript of the proceedings to be reviewed. The action of the commission shall be stayed pending such appeal. In the event an appeal is taken by the applicant or the accused, such an appeal shall act as a supersedeas, and the court shall dispose of said appeal and enter its decision promptly. A complaint setting forth with particularity the issues raised on appeal The petition for appeal or review shall be filed with the court and served on the commission by the appealing party within 30 days after the notice of appeal or review is filed. Copies of the petition will be served upon the commission and all other parties to the hearing being appealed. Thereafter the action shall be conducted in accordance with the Alabama Rules of Civil Procedure.

~~“(d) The review of the hearing and the commission's findings and decisions appeal shall be conducted by the court without a jury and shall be confined to the record, and such additions as may be authorized by the Alabama Administrative Procedure Act. The court, upon request, shall hear oral argument and receive written briefs. The commission's findings and decisions decision and orders shall be taken as prima facie just and reasonable and the court shall not substitute its judgment for that of the commission as to the weight of the evidence on questions of fact, except where otherwise authorized by statute. The court shall have the right to affirm or reverse, in part or in whole, or modify the commission action decision or remand the case to the commission for the taking of additional testimony and evidence or for further proceedings. The court shall have the right to reverse, affirm in part or reverse in part, or modify the findings of the commission, and shall render such final judgment as to the court may seem just and proper.~~

~~“In the event If the commission decision of the commission is affirmed, in whole or in part, the cost of such the appeal shall be taxed against the party taking such the appeal. If In the event the decision of the commission is not affirmed, the court shall tax such the costs of appeal against the commission.~~

“§34-27-50.

“For the purposes of this article, the following terms shall have the meaning respectively ascribed to them by this section:

“(1) ACCOMMODATIONS. Any hotel or motel room, condominium, or cooperative unit, cabin, lodge, apartment or any other private or commercial structure designed for occupancy by one or more individuals or any recreational vehicle campsite or campground.

“(2) BUSINESS ENTITY. Any individual, corporation, firm, association, joint venture, partnership, trust, estate, business trust, syndicate, fiduciary, and any other group or combination which engages in acts or practices in any trade or commerce.

“(3) CONTRACT. Any contract, promissory note, credit agreement, negotiable instrument, lease, use agreement, license, security or other muniment conferring on the purchaser the rights, benefits and obligations of a vacation time-sharing plan.

“(4) COMMISSION. The Alabama real estate commission.

“(5) COMMISSIONER. A member of the Alabama real estate commission.

“(6) FACILITIES. Any structure, service or property whether improved or unimproved made available to the purchaser for recreational, social, family or personal use.

“(7) SELLER. Any owner of a vacation time-sharing plan or any business entity, including but not limited to an agent, dealer, distributor, franchiser, subsidiary, assignee, reseller, broker or any other representative thereof who, for a fee, commission or other valuable consideration, negotiates or attempts to negotiate the listing, sale, auction, purchase, exchange or lease of any real estate or the improvements thereon or collects rents or attempts to collect rents, or who advertises or holds himself out as engaged in any of the foregoing activities. Provided however, that the provisions of this article shall not be applicable to:

“a. The resale of a vacation time-sharing unit week by the owner of such unit week, when the seller owns no more than ~~two~~ four such unit weeks within the respective vacation time-sharing plan. Provided however, that the contract for such resale shall meet all the requirements of a contract for the initial sale of a vacation time-sharing interest, including the non-waivable right of the purchaser to cancel the contract within the specified five-day period.

“b. Agencies and instrumentalities of the state or federal government nor to employees of any lender or public officials making appraisals through such employees for lending or governmental purposes; and provided further, that the sales licensure provisions of this article shall not be applicable to the sale or leasing of real estate by anyone who owns a fee simple interest of at least 10 percent therein, or to the attorney-at-law of such owner acting within the scope of his duties as an attorney-at-law. Ownership of stock in a corporation is not ownership of an interest in real estate owned by the corporation and does not exempt such stockholder from any provision of this article unless the stockholder owns or controls at least 10 percent of the stock of the corporation. This provision exempts owners from only the sales license requirements of this article. All other requirements of sellers under this article shall apply to owners of vacation time-sharing plans.

“(8) VACATION TIME-SHARING OWNERSHIP PLAN. Any arrangement, plan, or similar device, whether by tenancy in common, sale, deed or by other means, which is subject to supplemental agreement or contract for use of the time-sharing unit, whereby the purchaser receives an undivided fee simple ownership interest in and the right to use accommodations or facilities, or both, for a specific period of time during any given year, but not necessarily for consecutive years, which extends for a period of more than one year.

“(9) VACATION TIME-SHARING LEASE PLAN. Any arrangement, plan, or similar device, whether by membership agreement, lease, rental agreement, license, use agreement, security or other means, whereby the purchaser receives a right to use accommodations or facilities, or both, but does not receive an undivided fee simple interest in the property, for a specific period of time during any given year, but not necessarily for consecutive years, and which extends for a period of more than one year.

“Such lease plans shall not include an agreement or agreement whereby a purchaser in exchange for an advance fee and yearly dues is entitled to select from a designated list of facilities located in more than one state accommodations, of companies which operate in at least nine states in the United States through franchises or ownership, for a specified time period and at reduced rates and under which no interest in real property is transferred.

“(10) VACATION TIME-SHARING PLAN. Either a vacation time-sharing ownership plan or a vacation time-sharing lease plan as defined herein.

“(11) TIME-SHARING UNIT. The actual accommodations and related facilities which are the subject of the vacation time-sharing ownership plan or lease plan.

“(12) SUBSTANTIALLY COMPLETE. All structural components and mechanical systems of all buildings containing or comprising any time-sharing unit, facilities, or accommodations are finished in accordance with the plans or specifications of the project as evidenced by a recorded certificate of completion executed by an independent registered surveyor, architect or engineer.

“(13) UNIT WEEK OR INTERVAL. A number of consecutive days, normally seven consecutive days in duration, which may reasonably be assigned to purchasers of vacation time-sharing plans by the sellers.

“(14) RECEIVABLE. Any note, contract, promise or any other agreement to pay a fixed or determinable amount of money which, for the purposes of this article, shall not be in areas for more than 90 days.

~~“(15) FACE VALUE. The principal amount of money represented by any receivable as defined in item (14), together with the amount of all interest collected thereon.~~

~~“(16)(15) ESCROW AGENT. A federally insured financial institution ~~bank or trust company~~ doing business in this state or a bonded trust agent bonded in at least the amount of the trust; provided, however, that nothing contained in this article shall operate to prevent investment of funds escrowed pursuant to this article by the bank, trust company or bonded agent and to pay all interest and dividends to the seller of vacation time-sharing plans.~~

~~“(17)(16) ESCROW ACCOUNT. Any funds held or maintained by an escrow agent.~~

~~“(18)(17) VACATION TIME-SHARING SALES LICENSE. A license issued by the commission authorizing individuals to act as sellers of vacation time-sharing plans.~~

~~“(19)(18) LICENSEE. A person having a vacation time-sharing sales license.~~

~~“(20)(19) EXCHANGE COMPANY. Any person or business entity and/or operating an exchange program.~~

~~“(21)(20) EXCHANGE PROGRAM.~~ Any arrangement allowing owners to exchange occupancy rights with persons owning other timeshares; provided, however, that an exchange program shall not exist if all of the occupancy rights which may be exchanged are in the same time-share property.

~~“(22)(21) MANAGING AGENT.~~ Any person engaged by the owners association to manage the time-share plan and the time-share property.

~~“(23) VACATION TIME SHARING OWNERSHIP PLANS.~~ Such term shall mean and include:

~~“a. Time sharing ownership plans whereby purchasers are deeded an undivided interest in the facilities with a right to use designated accommodations for a specific period of time during any given year, but not necessarily for consecutive years, which extends for a period of more than one year; and~~

~~“b. Interval ownership plans, whereby purchasers are deeded title to designated time sharing units, accommodations or facilities for a specific period of time during any given year, but not necessarily for consecutive years, which extends for a period of more than one year, with remainder after such period to interval plan owners as tenants in common.~~

~~“(24)(22) QUALIFYING BROKER.~~ A person who is licensed by the commission as a real estate broker as well as a seller of vacation time-sharing plans and who serves in a supervisory capacity to all other licensees acting in the name of ~~as sales agents for~~ the vacation time-sharing plan which the qualifying broker represents.

~~“(23) TIME-SHARING PROJECT.~~ All the real property contained as part of a vacation time-sharing plan.

~~“§34-27-51.~~

~~“It shall be a violation of this article for any seller of vacation time-sharing plans to:~~

~~“(1) Sell, lease, encumber or convey in any manner or to solicit or advertise such transactions unless the seller has been duly licensed under the provisions of section 34-27-66 hereunder and unless the vacation time-sharing plan and the units thereby affected have first been registered with the commission. Provided, however, that the registration requirements of this article shall not apply to nor restrict the listing and resale of any vacation time-sharing plan when:~~

~~“a. The vacation time-sharing plan to be resold is within an existing time sharing facility currently registered with the commission pursuant to the requirements of this article; and~~

~~“b. The vacation time-sharing plan to be resold is subject to the identical rules, regulations, conditions or limitations on the use of the accommodations or facilities which affect all other vacation time-sharing plans within that time-sharing facility.~~

~~“(2) Fail to provide, at the time of registration, to the commission the following materials, or fail to provide any amendments or changes therein made while sales continue:~~

~~“a. A copy of the contract by which the rights and obligations of the parties are established.~~

"b. Copies of promotional brochures, pamphlets, advertisements or other material disseminated to the public in connection with the sale of the vacation time-sharing plan and verbatim scripts of all radio and television advertising in connection therewith.

"c. A statement of the name and type of and business entity through which the business of selling vacation time-sharing plans is carried out, including a list of the names and addresses of all of its directors, principal officers, and/or partners dealers, distributors, as well as the names and addresses of any and sales personnel soliciting in or from the state of Alabama, and the name and address of the business agent for service of process within the state of Alabama.

"d. Copies of all rules, regulations, conditions or limitations on use of the accommodations or facilities available pursuant to the vacation time-sharing plan.

"e. ~~A statement as to the existence~~ Copies of all liens, mortgages or other encumbrances on the accommodations or facilities which could affect the rights of the purchaser or his assignee, together with the location, date and filing books and page number where such liens documents are recorded.

"f. A synopsis of any sales presentation made or to be made by the seller to the purchaser over the telephone or other electronic device.

"g. A projected budget of all recurring expenses which may become the responsibility of all time-sharing purchasers.

"h. A copy of the public offering statement to be provided to each prospective purchaser.

"~~h. i.~~ Evidence that the time-sharing plan owner or his agent shall furnish a surety bond payable to the state of Alabama in the amount of \$100,000.00 with a surety company authorized to do business in Alabama, which bond shall provide that the obligor therein shall pay up to \$100,000.00 the aggregate sum of all judgments which may be recovered against the vacation time-sharing plan owner or seller for any actual loss or damage arising against such vacation time-sharing plan owner or seller from the activities of the time-sharing plan owner or seller, or their agents or representatives, ~~conducted under this article related to the time-sharing plan.~~ Such bond must remain in effect for as long as the time-sharing plan shall be registered. In the event such bond is revoked by the surety company, the time-sharing owner shall have 10 days in which to obtain a new bond and file such with the commission. The lack of a bond shall be grounds for the suspension of the registration of the time-sharing plan.

"Upon receipt of all items required by this section, the commission shall determine the sufficiency thereof and upon satisfactory compliance with this article, shall issue its order approving their use. The vacation time-sharing plan shall then be deemed registered. Promotional or advertising material developed after the initial registration of a time sharing plan may be used without prior approval of the commission provided that such material is in compliance with this article and further provided that it is submitted to the commission within 10 days after its initial public use.

"(3) Fail to include in all advertising of any vacation time-sharing plan a statement which clearly states that the seller is offering a time-sharing interest.

"(4) Fail to include in all advertising of any vacation time-sharing plan which offers a time-sharing interest of less than fee simple a statement which clearly states that the interest being offered is less than a fee simple ownership interest.

"(5) Effective October 1, 1985, fail to provide each prospective purchaser a public offering statement in such form and under such terms as shall be required by commission rules and regulations.

"§34-27-52.

"It shall be a violation of this article for any owner or business entity offering vacation time-sharing plans for sale to the public to fail to keep among its business records the following:

"(1) A copy of each item required to be submitted to the commission under section 34-27-51 of this article.

"(2) A copy of the contract from each sale of the vacation time-sharing plan, which contract shall be retained for a period of at least three years after parties to the vacation time-sharing plan have completely performed all of their obligations thereunder.

"(3) A list of all employees and independent contractors directly involved in the development, sale, or advertising of the vacation time-sharing plan or plans, including their last known mailing addresses, which list shall include all current employees and all previous employees whose employment has been terminated within the preceding 36 months.

"§34-27-57.

"(a) It shall be a violation of this article for any seller of vacation time-sharing plans to sell, lease, assign or otherwise transfer the seller's interest in the vacation time-sharing plan or the accommodations or facilities to a third party when such a sale, lease, assignment or other transfer substantially affects the rights of other owners or lessees of the time-share units, unless:

"(1) The third party agrees in writing to:

"a. fully honor the rights of purchasers of the vacation time-sharing plan to occupy and use the accommodations or facilities; and

~~"(2) The third party agrees in writing to~~

"b. fully honor rights of purchasers of the vacation time-sharing plan to cancel their contracts and receive an appropriate refund as provided in this article; and

~~"c. (3) The third party agrees in writing to comply with the provisions of this article for as long as the third party continues to sell the vacation time sharing plan, or for as long as purchasers of the vacation time sharing plan are entitled to occupy the accommodations or use the hfacilities, whichever is longer in time; and~~

"(2) The commission receives prior written notice of the intent to transfer the seller's interest; and

"(4) (3) Written notice is given to each purchaser of a vacation time-sharing plan affected thereby, ~~and notice shall be sent~~ by certified mail within 30 days of the sale, lease, assignment or other transfer.

“(b) The commission shall reserve the right to demand such additional information regarding the transfer as is reasonably necessary to determine to what extent the rights of other owners of units or unit weeks within the subject time-sharing plan shall be affected and to determine whether the registration of the plan should continue, should be amended, or should be suspended or revoked.

“(b) (c) The provisions of this section shall not be construed to apply to the sale of a single unit or to prevent the seller’s right to sell, discount, or hypothecate for value receivables in favor of any bank, mortgage company, or other lending institution and such transactions shall be exempt from the requirements of the section.

“§34-27-58.

“(a) It shall be a violation of this article for a seller of vacation time-sharing lease plans to fail to:

“(1) Place in escrow 50 percent of the cash ~~or and~~ receivables received from the purchasers of such plans, ~~less applicable local, state and federal taxes, provided, that in the event receivables are placed in escrow such receivables shall to be assessed set at face net principal value and shall equal 110 percent of the 50 percent required in this subdivision.~~

“a. The purpose of such escrow account is to protect the purchaser’s right to a refund if at any time the accommodations and facilities are no longer available as provided in the contract; ‘Provided however, nothing contained in this section shall operate to deny the seller the option to repair, replace or reconstruct, within a reasonable time, the accommodations or facilities, if destroyed or damaged.’

“b. The purchaser shall be entitled to a refund from the escrow account upon the conditions described above in an amount which represents the buyer’s pro rata share of the moneys therein.

“c. Funds may be withdrawn by the seller from the escrow account in the ratio of the amount of remaining time available for use by the purchaser of the vacation time-sharing lease plan in relation to the total time available to the purchaser at the time of purchase in the plan.

“d. The escrow agent shall release or dispense funds from the escrow account to the seller of a vacation time-sharing lease plan only upon receipt of a sworn statement from the seller that the accommodations and facilities have been available for use by the purchaser according to the terms of the purchaser’s contract.

~~“e. When all outstanding liens, debts or encumbrances on the time-sharing accommodations and facilities have been fully discharged the escrow account may be discontinued.~~

“(2) In lieu of the escrow account provided in subdivision (1), a seller of vacation time-sharing lease plans may:

“a. Assign to an escrow agent receivables, the income from which shall be adequate to pay all liens or encumbrances secured by the time sharing facilities or accommodations.

“1. Should net income from such escrowed receivables be insufficient to pay all liens or encumbrances as aforesaid, the escrow agent shall so

notify the seller in writing, and the seller shall within 15 days after notice pay unto the escrow agent the amount of such deficit.

~~"2. When all liens and encumbrances on the time-sharing facilities have been fully discharged, the escrow account may be discontinued.~~

"b. Sell, hypothecate or discount receivables, the proceeds from which shall be deposited with an escrow agent and administered in the manner prescribed by paragraph (2) a of subsection (a) of this section.

~~"When any portion of the time-sharing accommodations and facilities have been fully released from all liens or encumbrances, the escrow requirements of this subdivision may be proportionately decreased.~~

"(3) Provide the purchaser with liability and property insurance at the seller's expense for the accommodations and facilities to be used by the vacation time-sharing lease plan purchaser in an amount equal to the replacement cost of such accommodations and facilities, or the maximum amount of insurance available on the accommodations and facilities, according to generally accepted underwriting principles for similar properties in the same area, and to deposit with an escrow agent, annually, sufficient funds for the payment of all insurance premiums, taxes, and assessments levied against the accommodations and facilities; or, in the alternative, provide for the assessment against the purchaser by an association or duly appointed agent for the owners of such escrow funds for all costs including insurance premiums, taxes, assessments, maintenance repairs and management fees.

"(4) Provide the purchaser with an instrument, in recordable form, which provides notice to all subsequent creditors of the seller of the existence of the vacation time-sharing plan rights of the purchaser. Such instrument shall be provided to the purchaser by the seller at the time of signing of the contract. When recorded, such instrument shall serve to protect the purchaser's interest in the seller's accommodations from any claims by subsequent creditors of the seller.

"(5) Provide a document which explains the content, purpose and protection afforded to the purchaser by the documents described in subdivision (4) along with the procedure necessary to follow in order to secure to the purchaser the rights and protections which such documents provide.

"(b) It shall be a violation of this article for a seller of vacation time-sharing ownership plans to fail to:

~~"(1) Deposit with an escrow agent no less than 50 percent of the cash or and receivables received from the purchasers of such plans, less applicable local, state and federal taxes; provided, that in the event receivables are placed in escrow, such receivables to shall be assessed set at face net principal value and shall equal 110 percent of the 50 percent required in this item.~~

"a. The purpose of the escrow account required hereunder is to protect the purchaser's ownership interest in the accommodations or facilities and to provide funds from which periodic payments can be made to retire any outstanding indebtedness on the time-sharing facilities or accommodations.

"b. The escrow agent shall release or dispense to the seller of the vacation time-sharing ownership plan funds from the escrow account, at least quarterly but not more frequently than monthly, in an amount which shall not exceed 100 percent of the sum of all accrued indebtedness secured by the time-sharing accommodations or facilities which funds shall be used by the seller solely for the retirement of that indebtedness.

"c. Prior to the release or dispensing of such escrow funds, the seller shall furnish the escrow agent with a sworn statement which reveals by category the total amount of all liens or indebtedness secured by the time-sharing accommodations or facilities, the amount of indebtedness anticipated during the next succeeding reporting period and the amount of any deficit or surplus accruing from the preceding reporting period.

~~"d. When all outstanding liens or encumbrances secured by the time-sharing facilities or accommodations have been fully discharged, the escrow account may be discontinued.~~

"(2) In lieu of the escrow account provided in subdivision (1) of this subsection (b), a seller of vacation time-sharing ownership plans may alternatively:

"a. Assign to an escrow agent receivables, the income from which shall be adequate to pay all liens or encumbrances secured by the time-sharing facilities and accommodations.

"1. Should net income from such escrowed receivables be insufficient to pay all recurring debts as aforesaid, the escrow agent shall so notify the seller in writing and the seller shall within 15 days after notice pay into the escrow account the amount of such deficit.

~~"2. When all liens and encumbrances on the time sharing facilities have been fully discharged, the escrow account may be discontinued.~~

"b. Sell, hypothecate or discount receivables, the proceeds from which shall be deposited with an escrow agent and administered in the manner prescribed by paragraph (2) a of this subsection (b).

~~"c. When any portion of the time sharing accommodations and facilities have been fully released from all debts, liens or encumbrances, the escrow requirements of this subdivision may be proportionately decreased.~~

"3. (3) Provide the purchaser with liability and casualty insurance at the seller's expense for the accommodations and facilities to be used by the vacation time-sharing lease plan purchaser in an amount equal to the replacement cost of such accommodations and facilities, or the maximum amount of insurance available on the accommodations and facilities, according to generally accepted underwriting principles for similar properties in the same area, and to deposit with an escrow agent, annually, sufficient funds for the payment of all insurance premiums, taxes and assessments levied against the accommodations and facilities. In the alternative, provide for the assessment against the purchaser by an association or duly appointed agent for the owners of such escrow funds for all costs including insurance premiums, taxes, assessments, maintenance, repairs and management fees.

"(c) Any escrow account kept pursuant to this section may be discontinued when all liens or encumbrances on the subject of time-sharing accommodations and facilities have been fully discharged. When the value of the escrow account equals the sum of all mortgages, liens and indebtedness on the project secured by project property, the seller may reduce his payments into the escrow account to monthly amounts which will maintain the value of the escrow account at the amount equal to the total obligation represented by all mortgages, liens and indebtedness.

"(d) The commission may at its discretion waive the requirement for a time-share plan to maintain an escrow account pursuant to this section

upon proof satisfactory to the commission that the unit weeks being sold or leased through the respective time-sharing plan are being released from all liens or encumbrances at, or prior to, the time of the sale or lease.

“§34-27-60.

“It shall be a violation of this article for any seller of vacation time-sharing plans to:

“(1) Use any promotional device, including but not limited to sweepstakes, lodging certificates, gift awards, premiums, or discounts, without fully disclosing that such promotional devices are being used for the purpose of soliciting the sale of vacation time-sharing plans and without fully disclosing the retail fair market value of each such device award or prize offered and the approximate odds of receiving winning each award or prize offered.

“(2) Use any promotional device as set forth above to obtain the names and addresses of prospective purchasers without fully and prominently disclosing that names and addresses so acquired will be used for the purpose of soliciting the sale of the vacation time-sharing plans.

“(3) Misrepresent the amount of time or period of time the accommodations and facilities will be available to any purchaser.

“(4) Misrepresent or deceptively represent the location of the offered accommodations and facilities.

“(5) Misrepresent the size, nature, extent, qualities or characteristics of the offered accommodations and facilities.

“(6) Misrepresent the nature or extent of any services incident to the accommodations and facilities.

“(7) Make any misleading or deceptive representations with respect to the contents of the contract or the buyer's rights, privileges or benefits thereunder.

“(8) Fail to honor and comply with all provisions of the contract with the purchaser.

“(9) Misrepresent the conditions under which a customer may exchange his rights to an accommodation in one location for rights to an accommodation in another location.

“(10) Include in any contract any provision purporting to waive any right or benefit provided for purchasers under this article, or to seek or solicit such a waiver.

“(11) Do any other act which constitutes fraud, misrepresentation or failure to make a disclosure of a material fact.

“(12) Perform any sale act for which a vacation time-sharing license is required unless the seller is either exempted from the license requirement, a duly authorized and licensed qualifying broker, or a duly licensed seller acting under the sponsorship and supervision of a qualifying broker.

“(13) ~~If a qualifying broker, allowing~~ Allow an unlicensed person who is engaged or employed by him or who is under his control or supervision to perform any act for which a time-sharing sales license is required.

“(14) ~~Presenting Present~~ to the Alabama real estate commission, as payment for a fee or fine, a check that is returned due to there being

insufficient funds in the account upon which it was drawn or due to such account being closed or not in existence.

“§34-27-61.

“The commission may upon its own motion, or upon the verified complaint in writing of any person, hold a hearing regarding an alleged violation by any person or business entity of this article. Any person found guilty of having violated any provision of this article or any rule, regulation or order of the commission shall be subject to the refusal of a license, if not licensed; or, if licensed, to the suspension or revocation of such license and/or a monetary penalty of not less than \$25.00 nor more than ~~\$500.00~~ \$1,000.00.

“Such hearing shall be held in a manner prescribed by ~~the Alabama Administrative Procedure Act~~, the Alabama real estate license law and the rules and regulations of the Alabama real estate commission. The reinstatement of a license suspended or revoked as a result of a violation of under this article may be made conditional upon the fulfillment of such reasonable conditions as are imposed by the commission.

“The penalties and procedures outlined in this section shall not be construed to supersede or conflict with penalties and procedures outlined in other sections of this article.

~~“For the purposes of this article, a willful violation occurs when the person committing the violation knew or should have known that his conduct was in violation of this article.~~

“Provided, that a deficiency in an escrow account required by this article, which results solely from the cancellation or worthlessness of receivables previously placed in escrow, shall not be considered a violation of this article. In the event of an escrow deficiency, a lender who has advanced funds to a project shall have no liability to contribute funds to the escrow to cure the deficiency, and the lender's lien on the property shall not be affected by the deficiency.

“§34-27-62.

“(a) The Alabama real estate commission shall be responsible for the enforcement and implementation of this article, and the attorney general of the state of Alabama, or the district attorney of any county of the state of Alabama upon request by the commission, shall assist the commission in the enforcement of this article and the prosecution of violations hereunder. ~~The commission shall promulgate rules for the implementation of this article and such rules shall be consonant with the Alabama Administrative Procedure Act.~~ The provisions of this article shall not be construed to limit in any manner the right of a ~~purchaser or lessee or other any party~~ to bring a private action to enforce the provisions of this article. In addition to the administrative enforcement of this article by the commission, the following shall be Class A misdemeanors triable in the courts of Alabama:

“(1) It shall be a Class A misdemeanor for any person, natural or legal, while within the borders of the state of Alabama, to participate in the sale or attempted sale of any time-share plan unless licensed to do so by the commission or exempted from such licensure by the laws of the state of Alabama or the United States, regardless of whether the vacation time-sharing plan is itself located within the state of Alabama.

“(2) It shall be a Class A misdemeanor for any person, natural or legal, to or attempt to, sell, lease or otherwise market any interest in any vacation

time-sharing plan not registered with the commission as a vacation time-sharing plan or exempted from such registration by the laws of the state of Alabama or the United States, regardless of whether the vacation time-sharing plan is itself located within the state of Alabama.

“(b) Any time-sharing sale made in Alabama between a time-share purchaser and a seller for the purchase or lease of a time-share week or weeks in a vacation time-share plan which is not registered with the commission, or whose registration is under suspension, or which is under an order from the commission to cease and desist from sales, shall be voidable by the purchaser. An action to void such a transaction must be brought by the purchaser within three years of the date of the making of the lease or sales agreement. In any such action, the prevailing party may be awarded reasonable attorney fees as determined by the court.

“§34-27-63.

“If a seller files with the commission any vacation time-sharing plan or any amendment thereto which describes or concerns time-sharing units, accommodations or facilities not substantially completed, the seller, ~~upon request of the commission~~, shall file with the commission the following:

“(1) A verified notarized statement showing all costs involved in completing each phase of the project property.

“(2) A verified notarized statement of the time of completion of construction of each phase of the project property.

“(3) Satisfactory evidence of sufficient funds to cover all costs to complete the project property.

“(4) A copy of the executed construction contract and any other contracts for the completion of the project property.

“(5) A 100 percent payment performance bond payable to the state of Alabama from a surety company authorized to do business in Alabama, covering the entire cost of construction necessary to complete of the project property.

“(6) If purchasers’ funds are to be used in for the construction of the project property, an executed copy of the escrow agreement with an escrow company or financial institution authorized to do business with the state, which provides that:

“a. Disbursements of purchasers’ funds may be made from time to time to pay for construction of the project property; architectural, engineering, finance, and legal fees; and other costs for the completion of the project property in proportion to the value of the work completed by the contractor as certified by a registered surveyor, architect, or engineer on bills submitted and approved by the lender of construction funds or the escrow agent;

“b. Disbursements of the balance of purchasers’ funds remaining after completion of the project property may be made only after either the escrow agent or lender receives satisfactory evidence that the period for filing mechanics’ and materialmen’s liens has expired, or the right to claim those liens has been waived or other adequate provision has been made for satisfaction of any claimed mechanics’ or materialmen’s lien; and

“c. Any other restrictions relative to the retention and disbursement of purchasers’ funds required under the rules of the commission have been met; and

"d. Any other materials or information required under the rules of the commission have been provided.

"(7) The commission shall not register or issue any order approving any vacation time-sharing plan unless the commission determines, on the basis of materials submitted by the developer, that the time-sharing units, accommodations, or facilities or any additions thereto will be completed.

"§34-27-64.

"(a) For the registration of all vacation time-sharing plans and the accommodations and facilities affected thereby which are located within the state, there shall be paid to the commission the initial sum of \$500.00, together with an annual renewal fee of \$200.00. Provided that effective October 1, 1985, the annual renewal fee shall become \$500.00. In addition to submitting an annual renewal fee, each time-sharing plan must submit an audited annual financial statement of the entity or person in whose name the plan is registered done by a certified public accountant and such other materials as the commission shall require for an annual registration renewal.

"(b) For the registration of all vacation time-sharing plans and the accommodations and facilities affected thereby which are located outside the state, there shall be paid to the commission the initial sum of \$500.00, together with an annual renewal fee of \$200.00. Provided that effective October 1, 1985, the annual renewal fee shall become \$500.00. All books, files, accounts and other documents pertaining to the advertisement and sale of vacation time-sharing plans located outside the state shall be subject to examination by the commission and the business entity whose documentation is being examined shall pay a fee of \$500.00 plus the actual expenses, including the cost of transportation, of the examiner representing the commission while he is absent from this office for purposes of conducting the examination.

~~"(c) The commission shall retain such fees and other funds which may come into possession to defray expenses in the administration and enforcement of this article.~~

"(d)(c) If the commission determines that the registration or operation of any vacation time-sharing plan violates the provisions of this article in such manner as indicates bad faith or dishonesty, the commission, after notice and hearing, may assess all reasonable cost of the investigation and prosecution of such violations.

"§34-27-66.

"(a) Any person desiring to act as a seller of vacation time-sharing plans shall file with the commission a written application upon such form as the commission shall designate and shall pass to the satisfaction of the commission the examination hereafter prescribed.

"(b) Prerequisites for taking the vacation time-sharing sales examination are as follows:

"(1) Evidence satisfactory to the commission that the applicant bears a good reputation for honesty and truthfulness.

"(2) The applicant should not have been convicted of any criminal offense involving moral turpitude or of any felony in this or any other state.

"(3) The applicant must be a permanent resident of Alabama and at least 19 years of age.

"(4) The applicant must be a citizen of the United States or shall possess a certification of lawful permanent residence issued by ~~the immigration and naturalization bureau of~~ the United States government.

"(c) The commission shall prepare and conduct an examination on the fundamentals of this article and related topics and shall schedule such examination at least quarterly. No applicant shall be entitled to examination unless all prerequisites enumerated above have been met as determined by the commission. The minimum passing grade shall be 70 percent.

"(d) Every applicant shall pay the sum of \$75.00 for each examination taken. Should an applicant be scheduled and issued a permit for an examination and fail to appear, the entire amount of the examination fee will be forfeited. Liability for forfeiture occurs at the time the examination permit is issued. The applicant shall be allowed up to 60 days after notice of passing the examination to either be designated as a qualifying broker or to secure a qualifying broker under whom to be licensed. In the alternative, the applicant may place his license on inactive status with the commission, ~~provided he does so~~ within the allotted 60-day period. Every applicant shall also pay a license fee of \$50.00 upon successful completion of the examination, provided he submits the license fee along with appropriate documentation to the commission within the allotted 60-day period. The 60-day period shall begin on the date which the results of the applicant's examination are made available to the applicant. The results shall be mailed from the commission office, and the applicant will be considered to have received such notification three days from the date of mailing. Should an applicant not become licensed within 60 days after receiving notification of his having passed the examination, he shall be required to again meet the requirements of an original applicant before becoming licensed, including the taking and passing of the examination. ~~The commission shall be entitled to retain all fees collected to defray its expenses. No fees collected hereunder shall be in lieu of any business license fees or taxes imposed by any city, county or municipal authority.~~ The commission shall be entitled to contract with any outside source to prepare and conduct vacation time-sharing sales examinations in its behalf and to pay for the reasonable cost thereof from the examination fees collected.

"(e) Vacation time-sharing sales licenses ~~shall be~~ are due to be renewed annually on or before September 30 August 31, on a form prescribed by the commission, which September 30 shall be the annual expiration date for such licenses. Any license renewed after September 30 August 31 and prior to January 1 of the following year shall be subject to a penalty fee of \$15.00 in addition to the annual license fee of \$50.00. On January 1 of the year following the expiration of a vacation time-sharing sales license, the license may no longer be renewed, and the former license holder shall be required to again meet the requirements of an original applicant before again becoming licensed, including the taking and passing of the license examination. Upon submission of a renewal request in such form as the commission shall prescribe and payment of a \$50.00 renewal fee, the commission shall issue the appropriate license.

"(f) ~~Any vacation time sharing sales licensee shall be either a qualifying broker for a vacation time sharing plan or shall be licensed under such a qualifying broker, and the qualifying broker must be in a supervisory capacity to each time sharing sales licensee licensed under him.~~

"(g)(f) The qualifying broker for a vacation time-sharing plan must meet all the general requirements for a time-sharing sales license and must have a current, active real estate broker's license issued under the Alabama real

estate license law as well as a time-sharing sales license. If the qualifying broker is not licensed on active status with a real estate company, he may place his real estate broker's license on active status in the name of the time-sharing plan.

~~“(h)(g) The qualifying broker for a vacation time-sharing plan shall sign a statement accepting the responsibility for the actions of any licensee licensed under him and for the sales actions of the vacation time-sharing plan for whom he is the qualifying broker. Each qualifying broker shall have the duty and responsibility of supervising each seller licensed under him and insuring that every seller licensed under him, as well as the vacation time-sharing plan for which he is the qualifying broker, complies with the provisions of this chapter, and the broker shall be responsible to any injured party for actual damages caused to such party by any violation of this chapter by any vacation time-sharing plan or seller for whom he is acting as qualifying broker.~~

~~“(i)(h) There shall be a license transfer fee of \$50.00 for any of the following: A change of qualifying broker; a change of name or address of the vacation time-sharing plan; a change of name of a licensee; a change of employment by a licensee; or the activation of an inactive license.~~

~~“(j) In each case where a vacation time-sharing plan shall have more than one site, it must be demonstrated that the qualifying broker for the plan will be able to provide supervision over all other licensees. In the event that adequate supervision cannot be provided by a single qualifying broker, then there shall be such additional qualifying broker(s) assigned as to provide such supervision. Such additional qualifying brokers will each be designated as a broker for a particular site or sites and shall sign statements accepting responsibility for the actions of all licensees assigned to the respective site or sites, as well as responsibility for the acts or omissions of the vacation time-sharing plan with respect to the site for which he is the qualifying broker.~~

~~“(k)(i) A representative of the vacation time-sharing plan authorized to do so may designate an office located off the site of the time-sharing facility project as a branch sales office of the vacation time-sharing plan provided that a qualifying broker is designated for each such branch sales office.~~

~~“(l)(j) A real estate company licensed by the commission may act as an agent for the purpose of reselling time-shares for persons who each own no more than two four unit weeks of a given time-sharing plan provided that the contract for such resale shall meet all the requirements of a contract for the initial sale of a vacation time-sharing interest, including the nonwaivable right of the purchaser to cancel the contract within the specified five-day period; and further provided that the qualifying broker for such real estate company be licensed as a time-share seller by the commission and that any sales agent of the company who participates in the such a sale of time-shares be licensed by the commission as a time-share seller.~~

~~“(m)(k) No applicant to be a seller of vacation time-sharing plans shall be issued a license by the commission unless the applicant is either designated as a qualifying broker by a representative of a vacation time-sharing plan authorized to make such a designation, or unless the applicant is sponsored by a duly authorized qualifying broker who has signed a written statement accepting sponsorship of the applicant. Provided however or unless that the applicant may have has his license issued on inactive status and maintained at the office of the commission.~~

~~“(n)(1)~~ No vacation time-sharing licensee shall perform any of the acts authorized by such license until the license certificate is in his actual possession, if the licensee is a qualifying broker, or in the possession of his sponsoring broker, if the licensee is not a qualifying broker.

~~“(o)(m)~~ A licensee may place his license on inactive status with the commission for a period of up to 24 consecutive months and may renew his license while it is on inactive status. ~~It shall be the duty of the licensee to inform the commission of any change in his mailing address.~~ No license which is on inactive status will be reactivated without the commission receiving evidence that the licensee's surety bond is in effect. Any license which has been on inactive status for longer than 24 consecutive months shall automatically expire as of the day following the 24-month period.

“(n) It shall be the duty of each licensee to notify the commission of any change of address, business or residential, within 30 days of such change.

“§34-27-67.

“Every vacation time-sharing plan for sale or offered for sale in this state shall be registered with the Alabama real estate commission as follows:

“(1) Upon receipt of an application for registration in the required form, the commission shall forthwith initiate an examination to determine that:

“a. The seller may convey or cause to be conveyed the vacation time-sharing plan offered for sale if the purchaser complies with the terms of the offer.

“b. The advertising material and general promotional plan are not false or misleading as determined by the commission.

“c. The requirements of this article and the rules of the commission have been fulfilled.

“d. The seller has not, or, if a corporation, its officers, directors, and principals have not been convicted of any crime involving land dispositions, any crime of moral turpitude, any securities law violation, fraudulent business activity, or any aspect of the vacation time-sharing business in this state, the United States, or any other state or foreign country within the 10 years immediately preceding the date of application, and has not been subject to any injunction or administrative order within the preceding 10 years ~~restraining a false or misleading promotional plan~~ involving any of the activities above.

“(2) Upon receipt of the application for registration in required form, the commission shall issue a notice of filing to the applicant. If within 30 45 days from the date of the notice of filing, the commission affirmatively determines upon inquiry and examination that the requirements of this article have been met, the commission shall enter an order registering the vacation time-sharing plan or rejecting the registration. If no order of rejection is entered within 30 45 days from the date of notice of filing, the vacation time-sharing plan shall be deemed registered unless the applicant has consented in writing to a delay. No reasonable request for an extension of time by the commission shall be withheld; provided that if the commission determines upon inquiry and examination that any of the requirements of this article have not been met, the commission shall notify the applicant that the application for registration must be corrected in the particulars specified within 15 days. If the requirements are not met within the time allowed, the commission shall enter an order rejecting the registration which shall

include the findings of fact upon which the order is based. The order rejecting the registration shall not become effective for 20 days during which time the applicant may petition for reconsideration and shall be entitled to a hearing.

“§34-27-68.

“(a) If it appears that a person, firm, corporation, or any business entity has engaged, or, is about to engage, in an act or practice constituting a violation of a provision of this article or rule or order of the commission ~~hereunder~~, the commission, through the attorney general, may institute legal actions ~~in accordance with Alabama law~~ to enjoin the acts and practices act or practice and to enforce compliance with this article or any rule or order ~~hereunder~~ of the commission or to have a receiver or conservator appointed. ~~To prevail in such action, it shall not be necessary to allege or prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation thereof. The commission shall contact, whenever practicable, any person or business violating this article prior to recourse to the circuit court. Upon proper showing, injunctive relief or temporary restraining orders may be granted, and a receiver or conservator may be appointed.~~

“(b) The commission may:

“(1) Make any public or private investigation which it deems necessary, either within or outside of this state, to determine whether any person has violated or is about to violate this article or any rule or order hereunder, or to aid in the enforcement of this article or in the prescribing of rules and forms hereunder.

“(2) Require or permit any person to file a statement in writing, under oath or otherwise as the commission may determine, as to all facts and circumstances concerning the matter to be investigated.

“(3) For the purpose of any investigation or proceeding hereunder, the commission or any officer designated by rule may administer oaths or affirmations, and upon its own motion or upon request of any party shall subpoena witnesses, compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition and location of any books, documents or other tangible things and the identity and location of persons having knowledge of relevant facts of any other matter reasonably calculated to lead to the discovery of material evidence.

“(4) Upon failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected hereby, the commission, through the attorney general may apply to the circuit court for an order compelling compliance.

“(5) Issue an order requiring the seller to cease and desist from any unlawful practice and to take such affirmative action as in the judgment of the commission will carry out the purposes of this article, if, after notice and hearing, the commission determines that a seller has violated any provisions of this article by:

~~“a. Directly or through any agent or employee knowingly engaging in any false, deceptive, or misleading advertising, promotional, or sales methods to offer or dispose of an interest in any vacation time sharing plan; or~~

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~~"b. Making any substantial change in the plan of development and sale of the vacation time-sharing plan subsequent to the order of registration without obtaining the prior written approval of the commission, or~~

~~"c. Violating any lawful order or rule of the commission.~~

"(6) Make findings of fact in writing that the public interest will may be irreparably harmed by delay in issuing an order and in such case may issue a temporary cease and desist order. Prior to issuing the temporary cease and desist order, the commission, whenever possible by telephone or otherwise, shall give notice of the proposal to issue a cease and desist order to the seller. Every temporary cease and desist order shall include in its terms a provision that upon request a hearing will be held promptly to determine whether or not it becomes permanent.

"(7) Revoke or suspend any the registration of a vacation time-sharing plan if, after notice and hearing, upon a written finding of fact, it determines that the seller or sellers in whose name the plan is registered, or any agent therefor, has:

"a. Failed to comply with the terms of a any cease and desist order of the commission; or

"b. Been convicted in any court of competent jurisdiction subsequent to filing of the application for registration, of a crime involving fraud, deception, false pretenses, misrepresentation, false advertising, or dishonest dealing;; or

"c. Had a final judgment rendered against him in any court of competent jurisdiction, when such judgment involved the sale, marketing or operation of any time-share plan or real estate transaction; or

"e. d. Disposed of, concealed or diverted any funds or assets of any person so as to defeat the rights of vacation time-sharing plan purchasers;; or

"d. e. Failed to faithfully perform any stipulation or agreement made with the commission as an inducement to grant any registration, to reinstate any registration, or to approve any promotional plan or advertisement; or

"e. f. Made an intentional misrepresentations misrepresentation or concealed material facts fact in an application for registration;; or Findings of fact that a specific provision of law has been violated shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.

"g. Make a misrepresentation or concealed any material fact in the sale, marketing or operation of a registered time-sharing plan; or

"h. Failed to comply with the terms of a sales contract; or

"i. Failed to make timely delivery of a deed to any purchaser to whom a deed is due to be delivered; or

"j. Violated any other provision of this article or any rule or regulation of the commission.

"The reinstatement of a registration suspended or revoked as a result of a violation under this article may be made conditional upon the fulfillment of such reasonable conditions as are imposed by the commission.

“(8) Issue a cease and desist order instead of revoking a registration if it finds, after notice and hearing, that the seller has been guilty of a violation for which revocation could be ordered.

“(9) In lieu of, or in addition to, revoking or suspending a registration or issuing a cease and desist order, impose a penalty of not less than \$100.00 nor more than \$2,000.00 per violation upon the seller(s) in whose name(s) the plan is registered if it finds, after notice and hearing, that such seller(s), or any agent therefor, has been guilty of a violation for which revocation or suspension could be ordered.”

Section 34-27-9, Code of Alabama 1975, is hereby repealed.

This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Committee on Governmental Affairs.

REPORTS OF COMMITTEES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Senator deGraffenried:

S. 295. To amend Sections 10-2A-70.1 and 10-2A-70.2, Code of Alabama 1975, which relate to giving aid or contributions to a political party or candidate; so as to allow corporations which own, control or operate a railroad to make certain political contributions.

By Senators Cabaniss, Hand, Ellis, and Denton:

S. 72. To limit the amount of bituminous plant mix which may be purchased or used on any highway construction project when the utilization or use of the bituminous plant mix will be or is accomplished by personnel of the highway department working on the project.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions, with the original Senate Bills and Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. 95. To amend Section 35-10-26, Code of Alabama 1975, so as to provide that title passing by a mortgage will not divest until all secured obligations are paid and there is no commitment or agreement by the mortgagee to make advances, incur obligations or otherwise give value under any agreement; to provide for the satisfaction of mortgages; to provide for severability of the provisions of this Act; to provide for repeal of conflicting laws; and to provide an effective date.

Also:

S. 119. To amend Section 5-19-4, Code of Alabama 1975, relating to consumer finance, so as to require actuarial method of computation on consumer loans and consumer credit sales with an original term of more

than 61 months; to provide for the charging and collecting of an amount not to exceed five percent of the original principal balance or total line of credit in consumer credit transactions secured by an interest in real property; to provide that provisions of this act are cumulative to, and not in derogation of rights under other provisions of state and federal law and shall not in any way repeal, amend or modify the provisions of Section 8-8-5, Code of Alabama 1975.

Also:

S. 126. To amend Section 17-10-13, Code of Alabama 1975, relating to the appointment of absentee election manager so as to provide that only Circuit Clerks or Registers who are candidates with opposition shall be disqualified from serving as absentee election manager; to provide that any Circuit Clerk or Register who is disqualified or unwilling to serve as absentee election manager notify the presiding circuit judge not less than 55 days prior to the election; and to further amend Section 17-10-14, Code of Alabama 1975, to provide for the compensation a person serving as absentee election manager is entitled to receive for such services.

Also:

S. 132. To amend §34-24-367 Code of Alabama, 1975 to provide that judicial review of the orders and decisions of the Medical Licensure Commission shall be governed by §41-22-20 of the Alabama Administrative Procedure Act provided that the following procedures take precedence over §41-22-20(c) relating to the issuance of a stay or supersedeas pending judicial review of a decision by the Commission to suspend or revoke a license to practice medicine; to express the legislative purpose and intent that the imposition of the penalty of suspension or revocation of the license to practice medicine creates a presumption that the continuation in practice of the physician constitutes an immediate danger to the public health, safety and welfare; to provide that no stay or supersedeas shall be granted pending judicial review unless the reviewing court finds in writing that the action of the Commission was taken without statutory authority, was arbitrary or capricious, or constituted a gross abuse of discretion; to provide that an order of the Commission temporarily suspending a license to practice medicine shall not be stayed pending judicial review unless the reviewing court finds in writing that the order of the Commission temporarily suspending the license was issued without statutory authority, was arbitrary or capricious, constituted gross abuse of discretion or was made in violation of the requirements of §41-27-19(d) of the Alabama Administrative Procedure Act.

Also:

S. J. R. 52. COMMENDING CHEROKEE COUNTY AREA VOCATIONAL SCHOOL.

Also:

S. J. R. 65. MOURNING THE DEATH OF JAMES ELISHA FOLSOM OF CULLMAN, ALABAMA.

Also:

S. J. R. 67. NAMING STATE HIGHWAY 69 FROM COFFEEVILLE TO GUNTERSVILLE, ALABAMA, "THE FOLSOM-MCFARLAND HIGHWAY."

Also:

S. J. R. 69. COMMENDING THE CITY OF DECATUR AND BUCHEON CITY, REPUBLIC OF KOREA.

Also:

S. J. R. 71. HONORING THE RIGHT REVEREND FURMAN CHARLES STOUGH FOR SERVICE TO THE EPISCOPAL CHURCH AND TO THE DIOCESE OF ALABAMA.

Also:

S. J. R. 94. MOURNING THE DEATH OF GOVERNOR JAMES E. FOLSOM OF CULLMAN, ALABAMA.

Also:

S. J. R. 97. MOURNING THE DEATH OF GEORGE WASHINGTON YARBROUGH OF MOBILE, ALABAMA.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

IN MEMORIAM
JAMES ELISHA FOLSOM
1908 — 1987
GOVERNOR OF ALABAMA
1947 — 1951
1955 — 1959

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 75. Relating to the Alabama Sunset Law; to continue until October 1, 1989, the existence and functioning of the Insurance Department as provided in Sections 27-2-1 through 27-2-55, generally, and Section 27-2-1 specifically, Code of Alabama 1975, with certain modifications.

Also:

S. 79. Relating to the Alabama Sunset Law; to continue the existence and functioning of the pilotage commission as provided in Sections 33-4-1 through 33-4-57, Code of Alabama 1975, with certain modifications; to amend Section 33-4-48, Code of Alabama 1975, so as to change the method of computing pilots' fees.

Also:

S. 82. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of examiners in psychology as provided in Sections 34-26-1 through 34-26-48, Code of Alabama 1975, with certain modifications; to amend Sections 34-26-21, 34-26-22, 34-26-41, 34-26-43 and 34-26-46, Code of Alabama 1975, so as to add 2 members to the board; to limit board members to two (2) consecutive terms of office; to limit board members travel expenses; to allow the recognition of areas of specialization for practice; to authorize the adoption of rules pursuant to the administrative procedure statutes; to allow certain reciprocal agreements for out of state applicants; to remove automatic appropriation clause; and to expand grounds for revoking or suspending licenses.

Also:

S. 84. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Securities Commission as provided in Sections 8-6-50 through 8-6-60, Code of Alabama 1975, with certain modifications; to amend Section 8-6-52, Code of Alabama 1975, so as to restrict members' terms of office to two (2) consecutive terms of office, effective upon the passage of this act.

Also:

S. 86. Relating to the Alabama Sunset Law; to continue the existence and functioning of the examining board for professional entomologists, horticulturists, plant pathologists, floriculturists and tree surgeons as provided in Sections 2-28-1 through 2-28-12, Code of Alabama 1975, with certain modifications; to amend Sections 2-28-4 and 2-28-7, Code of Alabama 1975, so as to require a \$10.00 examination fee by the board; and to allow revocation by the commissioner or by the board of an individual's certification under Chapter 28, Title 2.

Also:

S. 91. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Funeral Service as provided in Sections 34-13-1 through 34-13-152, Code of Alabama 1975.

BILL DRINKARD,
Chairperson.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 104. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bill in the order named shall be the paramount and continuing order of business taking precedence over all other matters until disposed of:

Inst Id	Page
S. 206	19
Workmen's compensation, "average weekly earnings", calculation of.	

On motion of Senator Smith (J), the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Foshee, B. I. R., S. B. 206, adopted.

Yeas 20; Nays 10.

Yeas:

Senators:	Covington	Goodwin	Menton	
Barron	deGraffenried	Hale	Mitchem	
Bedsole	Dial	Hand	Preuitt	
Bishop	Dixon	Holmes	Rice	
Cabaniss	Foshee	Manley	Smith (J)	
Campbell				—20

Nays:

Senators:	Bennett	Ellis	Langford	
Amari	Corbett	Figures	Parsons	
Bedford	Denton	Horn		—10

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

S. 206. To amend Title 25, Chapter 5, Code of Alabama 1975, which relates to worker's compensation in Alabama, to provide for the calculation of an employee's "average weekly earnings;" to establish procedures, limitations, and a right of appellate review for an award of lump sum attorney's

fees in worker's compensation cases; to provide for a right of subrogation as to certain benefits paid as the result of occupational injuries or diseases; and to provide certain remedies for violations of §25-5-11.1.

The Standing Committee on Business and Labor Relations reported the following amendment to the Bill, S. B. 206, to-wit:

AMENDMENT TO S. B. 206

Amend S. 206 on page 2, line 5, after the word "income" by deleting the remainder of line 5 and lines 6 and 7 in their entirety and inserting in lieu thereof "for federal income tax purposes."

Senator Bedford offered the following amendment to the Committee amendment to the Bill, S. B. 206, to-wit:

AMENDMENT TO AMENDMENT TO S. B. 206

Amend S. 206 on page 2, line 5, after the word "income" by deleting the remainder of line 5 and lines 6 and 7 in their entirety and inserting in lieu thereof "for federal income tax purposes and state tax purposes, provided, however, that the gross income for said tax purposes shall be used to compute the average weekly wage."

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 115

Delivered to the Governor March 8, 1988, at 4:15 P.M.

S. B. 95	S. J. R. 52	S. J. R. 71
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S. B. 119	S. J. R. 65	S. J. R. 94
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S. B. 126	S. J. R. 67	S. J. R. 97
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S. B. 132	S. J. R. 69	
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Delivered to the Governor March 8, 1988, at 5:50 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

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QUORUM CALL

At 9 o'clock P.M., the President and Presiding Officer ordered that the roll be called to ascertain the presence of a quorum.

The following Senators responded to their names:

Senators:	deGraffenried	Hale	Menton
Bedford	Denton	Hand	Mitchem
Bishop	Dial	Holmes	Preuitt
Cabaniss	Foshee	Manley	Smith (J)
Campbell			

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ADJOURNMENT

At 9:02 P.M., in the absence of a quorum, in accordance with Motion heretofore adopted, and pending further consideration of the Bill, S. B. 206, the President and Presiding Officer declared the Senate adjourned until Wednesday, March 9, 1988, at 12:01 A.M.

**TWELFTH LEGISLATIVE DAY
WEDNESDAY, MARCH 9, 1988**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by the Reverend Jiles Williams, Pastor, New Providence Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Jo Ann Sutton, Intern, Lieutenant Governor's Office, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Covington	Foshee	Mitchem
Barron	deGraffenried	Goodwin	Parsons
Bedford	Denton	Hale	Preuitt
Bedsole	Dial	Hand	Rice
Cabaniss	Dixon	Langford	Smith (J)
Corbett	Drinkard	Manley	

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JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eleventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Eleventh Legislative Day was approved by the Senate.

**UNFINISHED BUSINESS
BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 206. To amend Title 25, Chapter 5, Code of Alabama 1975, which relates to worker's compensation in Alabama, to provide for the calculation

of an employee's "average weekly earnings;" to establish procedures, limitations, and a right of appellate review for an award of lump sum attorney's fees in worker's compensation cases; to provide for a right of subrogation as to certain benefits paid as the result of occupational injuries or diseases; and to provide certain remedies for violations of §25-5-11.1.

The question was on the amendment offered by Senator Bedford to the Committee amendment.

Senator deGraffenried moved that further consideration of the Bill, S. B. 206, be postponed subject to the call of the Chair.

Senator Bedford offered a substitute motion that further consideration of the Bill, S. B. 206, be postponed until the Sixteenth Legislative Day.

On motion of Senator deGraffenried, said motion was laid on the table.

MOTION TO ADJOURN LOST

At 12:10 A.M., Senator Bedford moved that the Senate adjourn until Thursday, March 10, 1988, at 2 o'clock P.M., which motion was lost.

FURTHER CONSIDERATION OF S. B. 206

The Senate proceeded to further consideration of the Bill, S. B. 206. The question was on the motion of Senator deGraffenried, which was adopted, and further consideration of the Bill, S. B. 206, was postponed subject to the call of the Chair.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Smith (J) (With Notice and Proof):

S. 493. To provide a supplement to the salary of each district judge in the Thirty-ninth Judicial Circuit.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 493, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Preuitt, Dial, deGraffenried, Rice, and Dixon:

S. 494. To amend Section 36-23-1, Code of Alabama 1975, relating to constables, so as to provide certain qualifications for constables, to provide for abolishing the office by local referendum and to provide for the removal of constables from office in certain instances.

Committee on Judiciary.

By Senators Ellis and Barron:

S. 495. To amend Section 36-27-1, Code of Alabama 1975, by deleting the exception of department head from the definition of an employee eligible to participate in the State of Alabama retirement system.

Committee on Finance and Taxation.

By Senator Parsons (With Notice and Proof):

S. 496. Relating to Jefferson County; to prescribe for the compensation of the Chief Deputy Sheriff of Jefferson County and to provide for the payment thereof.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 496, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Parsons and Dial:

S. 497. To propose an amendment to the Constitution of Alabama of 1901, to provide further for the membership, duties, power, funding and authority of the Alabama Commission on Higher Education as relates to the commission itself and as relates to said commission's authority over the public institutions of higher education.

Committee on Education.

The above Bill was read a first time at length as required by the Constitution.

By Senator Sanders:

S. 498. Relating to misdemeanor and felony crimes and offenses, the conviction of which results in a loss of citizenship rights, to provide that persons who lose their citizenship rights shall have them restored under certain circumstances set out in this act upon application to the pardons and paroles board.

Committee on Judiciary.

By Senator Sanders (With Notice and Proof):

S. 499. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eutaw in Greene County.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 499, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Sanders:

S. 500. To abolish the death penalty in this state and to provide that life imprisonment without parole shall be the maximum punishment for any felonious offense; to repeal all references to the death sentence in Sections 13A-5-39 through 13A-5-59 of the Code of Alabama 1975 which are the Alabama death penalty statutes and to provide that any pending death sentences on the effective date of this act shall be commuted to life imprisonment without parole.

Committee on Judiciary.

By Senator Langford:

S. 501. To amend Sections 34-33-1, 34-33-2, 34-33-3, 34-33-4, 34-33-5, 34-33-6 and 34-33-10 of the Code of Alabama 1975, relating to fire protection sprinkler systems, so as to redefine such systems and to further regulate the fire protection sprinkler system business in this state.

Committee on Small Business.

By Senator Langford:

S. 502. To create an additional circuit judgeship in the Fifteenth Judicial Circuit and provide certain appropriations.

Committee on Finance and Taxation.

By Senators Rice, Dial, Manley, Bedsole, Hale, Preuitt, and Cabaniss:

S. 503. To authorize the State Department of Veterans' Affairs to operate a state veterans' home or homes; to provide for the administration of such homes; to authorize the receipt and use of federal and other funds for such purpose; to provide for the powers and duties of the State Board of Veterans' Affairs regarding said veterans' home and to create a veterans' home trust fund.

Committee on Governmental Affairs.

By Senator Rice:

S. 504. To amend further Section 28-3A-25, Code of Alabama 1975, relating to unlawful acts under the alcoholic beverage licensing code, so as to proscribe unlawful acts and provide for the punishment therefor; to proscribe certain other unlawful acts and to provide punishment for furnishing alcoholic beverages to a minor, for a minor purchasing or possessing alcoholic beverages, or for a minor using false, fictitious, altered or forged identification or the identification of another person for the purpose of purchasing or acquiring alcoholic beverages, or for any person to use a false, fictitious, altered or forged license or identification or the license or identification of another person for the purpose of purchasing or acquiring alcoholic beverages; to proscribe and provide punishment for other unlawful acts by the board, by certain persons and licensees and by collectors of tax, and for delivering alcoholic beverages from without Alabama to anyone within the state except to the board or licensees; for offering, giving, accepting or receiving anything of value, including any premium, present, refund or rebate to induce the purchase of alcoholic beverages; and to make certain clarifications and corrections, including grammatical changes, to consolidate, and to include local governing bodies, payment, collection and reporting of taxes to local governing bodies and elections called by local governing bodies within the purview of certain unlawful acts; and to repeal §§ 28-1-4, 28-3-19 and 28-3-192, Code of Alabama 1975, relating to unlawful acts which are included in this act, and all conflicting laws.

Committee on Public Welfare.

By Senator Rice:

S. 505. To provide that the alcoholic beverage control board shall under certain conditions audit and collect certain taxes on beer or table wine levied for the benefit of local governing bodies.

Committee on Public Welfare.

By Senator Corbett:

S. 506. To amend Section 40-21-82.1, Code of Alabama 1975, which provides for certain exemptions from the utility gross receipts tax, so as to include the Ladonia-Crawford Water and Fire Protection Authority within the exemptions.

Committee on Finance and Taxation.

By Senator Corbett:

S. 507. To provide for the regulation of the practice of occupational therapy; to provide for a short title, a declaration of purpose and definitions in regard to regulation; to provide for the establishment of the Alabama State Board of Occupational Therapy, its terms of office, vacancies, and removal of members; to provide for meetings of the board; to provide for compensation for members of the board; to provide for administrative provisions and powers and duties of the board; to provide requirements for licenses to practice, qualifications of applicants, examination as a requirement for licensure, waiver of requirements, and persons and practices not affected by this act; to provide for service of process and official records for prima facie evidence; to provide for issuance of a license and cause for suspension, revocation and renewal of license; to provide for fees; to provide for crimes and criminal penalties for violations of this act; to provide for appeal or review; to provide for severability; to provide for an effective date; and to provide for other matters relative to the foregoing.

Committee on Governmental Affairs.

By Senator Foshee:

S. 508. To establish the Alabama Groundwater Protection Trust Fund; to provide for a disposition of the groundwater protection tank fees collected for returning polluted groundwater to a quality comparable to its previous state; to establish an Advisory Board to advise the Department of Environmental Management on certain matters; to establish and satisfy financial responsibility requirements for underground motor fuel storage tank owners or operators as required by federal law; to provide for payment of third party claims and clean-up costs caused by leaking underground motor fuel storage tanks; and to provide for disposition of the Fund.

Committee on Commerce,
Transportation, and Utilities.

By Senator Foshee:

S. 509. To amend Section 40-17-31 of the Code of Alabama 1975, relating to the excise tax on aviation gasoline, so as to establish said tax at a fixed rate; and to eliminate the possible automatic reduction in the tax after the point of annual, revenue collection level of \$600,000 is reached.

Committee on Finance and Taxation.

By Senator Covington:

S. 510. To amend Sections 25-9-2, 25-9-7, 25-9-9, 25-9-10, 25-9-11, 25-9-12, 25-9-13, 25-9-14, 25-9-15, 25-9-19, 25-9-20, 25-9-22, 25-9-27, 25-9-29, 25-9-40, 25-9-41, 25-9-42, 25-9-60, 25-9-61, 25-9-62, 25-9-63, 25-9-80, 25-9-82, 25-9-83, 25-9-84, 25-9-86, 25-9-87, 25-9-88, 25-9-89, 25-9-130, 25-9-132,

25-9-133, 25-9-134, 25-9-151, 25-9-152, 25-9-170, 25-9-171, 25-9-173, 25-9-174, 25-9-175, 25-9-176, 25-9-191, 25-9-192, 25-9-210, 25-9-213, 25-9-230, 25-9-251, 25-9-252, Code of Alabama 1975, relating to coal mine safety, so as to provide further for the definition of certain terms and to provide further for the regulations regarding the duties of mine inspectors, mine examination reports, certificates of competency for fire bosses and mine foremen, the composition of the board of examiners, the examination fees, the qualifications for fire boss; provides a penalty for uttering false statements on applications for certificates of competency; provides for suspension, cancellation or revocation of certificates of competency and fees for duplication of same, the qualifications of mine foremen in underground mines, the schedule of mine inspections; provides a penalty for failure to report and correct unsafe conditions, for the possession of controlled substances in or around the mines, the use of protective clothing; provides further for accidents and disasters, for mine fans, gases and ventilation, for explosives and blasting, for underground fire prevention and control, electrical equipment including flame safety lamps, roof support, hoisting and haulage, operation and maintenance of machinery, surface structures, transformers and practices, surface mining operations, sinking of bald shafts, for underground storage places and haulage roads, for the qualifications of the chief of the division of safety and inspections, and for enforcement of the provisions of this act.

Committee on Small Business.

By Senator Bedford:

S. 511. To amend Section 12-14-14, Code of Alabama 1975, which provides for court costs in municipal courts, so as to increase said costs and provide for the distribution of the proceeds from the increased costs.

Committee on Finance and Taxation.

MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Thursday, March 10, 1988, at 10 o'clock A.M., which motion was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hooper:

H. 105. To amend section 20-2-80, Code of Alabama 1975, so as to provide an additional criminal penalty for possessing a firearm during the commission of any act proscribed by said section and to provide for distribution of criminal fines.

Also:

By Reps. Butler and Clark (J):

H. 463. To amend Section 40-12-4 of the Code of Alabama 1975; to provide that proceeds from the franchise, excise and privilege license taxes therein authorized to be levied by the governing body of any county may be used for any public school purpose in such county, including capital

improvements and the payment of debt service on obligations issued therefor; to provide that such amendment of said Section 40-12-4 is declarative of existing law respecting the use of proceeds from such taxes for public school purposes and that such amendment shall therefore have both a prospective and a retroactive or retrospective operation; and to authorize the use for any public school purpose of proceeds from taxes heretofore levied pursuant to said Section 40-12-4.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 105—to the Committee on Judiciary

H. B. 463—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Marks:

H. 37. To amend Section 12-13-41, Code of Alabama 1975, which relates to duties of probate judges of this state, so as to allow the probate judge to maintain a single bound volume, or single data source, for the registration of deeds of conveyance, mortgages and other instruments to secure the payment of debt.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 37—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Penry, Richardson, Blakeney, Carter, McMillan, and Moon:

H. 199. To further provide for the license year of certain hunting and fishing licenses; to amend Section 9-11-32, Code of Alabama 1975, as last amended, relating to the license year for hunting and fishing licenses generally, so as to generally provide for a license year of from August 1 to July 31 of

each year, unless specifically provided otherwise; and to amend Section 9-11-33, Code of Alabama 1975, as last amended, relating to the numbering, delivery, and return of hunting and fishing licenses, so as to further provide for the delivery and return of said licenses.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 199—to the Committee on Agriculture, Conservation, and Forestry

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Willis:

H. 1. To provide for the issuing of distinctive license plates to certain handicapped persons at an additional fee of three dollars (\$3.00) per tag in those years when a metal plate is received, and prohibits the transfer of said plate between motor vehicle owners.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1—to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Moon:

H. 6. To amend section 36-19-3, Code of Alabama 1975, which relates to the duties and obligations of persons deemed assistants to the fire marshal, so as to exempt said persons from liability for civil damages as a result of their acts or omissions in performing such duties and obligations.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 6—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Breedlove:

H. 27. To provide for the creation, appointment, organization, operation, meetings and continuance of the St. Stephens Historical Commission; to provide for acquiring, constructing, establishing, maintaining and promoting certain properties and structures of historical interest and functional utility at St. Stephens, in the vicinity of the site of the first territorial capital of Alabama; to provide for financial cooperation with other public or private agencies and historical organizations; and to provide for the employment of personnel.

Also:

By Rep. White (F):

H. 474. To amend Section 41-9-341, Code of Alabama 1975, which relates to reimbursement of expenses of members of the USS Alabama Battleship Commission, so as to allow members to be reimbursed for actual expenses incurred from funds of the commission.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 27—to the Committee on Governmental Affairs

H. B. 474—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Richardson and Hall (With Notice and Proof):

H. 633. Relating to Jackson County; to amend Act 79-473, S. 639, Regular Session 1979, as amended (Acts 1979, p. 873), so as to allocate further a portion of T.V.A. payments made to Jackson County to the Jackson County Economic Development Authority for a certain time.

REGULAR SESSION
12th Day

595

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 633, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 633—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson (RG):

H. 101. This bill amends Section 22-21-24, Code of Alabama, 1975, by increasing the fees for the license for health care facilities.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 101—to the Committee on Health

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Walker:

H. 32. To amend section 23-1-241, Code of Alabama 1975, relating to the "Highway Beautification Act—Junkyard Control," so as to include household furniture, household appliances and used automobile tires in the definition of junk and to clarify the definition of director.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 32—to the Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Black (With Notice and Proof):

H. 623. Relating to Greene County; providing that the Greene County legislative delegation shall be provided a legislative delegation office, personnel and supplies by the the Greene County Commission; providing that such office and supplies shall be a shared legislative delegation office with the Sumter County delegation; providing that the Greene County Commission shall pay forty percent (40%) of the overhead, salaries and operational costs of such delegation office in Sumter County from the Greene County funds.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 623, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Hall and Richardson (With Notice and Proof):

H. 631. To amend Sections 2, 4, 5, 6 and 7 of Act 79-825, S. 640, 1979 Regular Session (Acts 1979, p. 1557), relating to the Jackson County Department of Public Works and to the county engineer, so as to provide further for the authority of the department and the selection, requirements, functions, powers, privileges, and termination of the county engineer.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 631, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 623 and 631—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. White (L), Mikell, Beasley, Butler, and Johnson (RG):

H. 434. To establish the Alabama Impaired Professionals' Committee; to provide that the State Board of Dental Examiners and the Board of

Pharmacy shall have certain duties and obligations to promote early identification, intervention, treatment and rehabilitation of the professional within their jurisdictions and impaired by reason of illness, inebriation, excessive use of certain drugs, and controlled substances, alcohol, chemicals or other dependent forming substances, or as a result of physical or mental condition; to define the term impaired; to authorize the State Board of Dental Examiners and the Board of Pharmacy to contract with any nonprofit corporation for the creation of the Alabama Impaired Professionals' Committee; to provide for the functions and responsibilities of the committee under a contract between the State Board of Dental Examiners and the Board of Pharmacy and a nonprofit corporation or health provider professional association; to prescribe procedures for the reporting of information from the Alabama Impaired Professionals' Committee to the respective boards; to prescribe that a professional serving as a member of the Alabama Impaired Professionals' Committee shall not be liable to any person for any claim for damages as a result of any decision, opinion, investigation or action taken as a member of such committee; to provide that a nonprofit corporation or medical or health provider professional association shall not be liable to any person for damages for any action taken by the Alabama Impaired Professionals' Committee or any member thereof; to provide that all information, interviews, reports, statements, memorandum or other documents furnished to or produced by the Alabama Impaired Professionals' Committee and any findings, conclusions, recommendations or reports of such committee shall be privileged and confidential and shall not be considered public records nor available for court subpoena or for discovery proceedings; to provide that the Alabama Impaired Professionals' Committee shall render annual reports to the respective state boards and shall report to the respective professional body any professional, within their respective jurisdiction, currently in the need of intervention, treatment, or rehabilitation who has failed or refused participation in programs of treatment or rehabilitation recommended by the committee; to provide that a report to the Alabama Impaired Professionals' Committee shall deem to be a report to the said boards, for the purpose of any mandated reporting of professional impairment otherwise provided for by law; to provide that where the said boards have cause to believe a dentist or pharmacist is impaired the board may cause an evaluation of such impaired professional to be conducted by the Alabama Impaired Professionals' Committee; to provide for the severability of the provisions of this act; to provide for cumulative effect; to provide for the repeal of all laws in conflict with this act; and to provide an effective date for this act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 434—to the Committee on Health

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hettinger, Butler, Freeman, Richardson, and Rains:

H. 342. To provide for the conservation of the natural resources of the State; designating the caves and caverns of the State and the flora, fauna,

mineral deposits and formations therein as worthy of preservation, protection and development for scenic, scientific, recreational, business and commercial purposes; protecting the rights of property owners and the general public in caves; to provide for liability for certain acts, to prohibit vandalism and pollution; to designate certain acts relative to caves and their contents as criminal offenses and to prescribe penalties therefor.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 342—to the Committee on Agriculture, Conservation, and Forestry

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Starkey:

H. 587. To amend the following sections of Chapter 89A of Title 11 of the Code of Alabama 1975, relating to solid waste disposal authorities, for the following purposes: Section 11-89A-1, relating to legislative findings, so as to take account of the possibility of joint incorporation of such authorities by two or more counties or municipalities; Section 11-89A-2 relating to definitions, so as to provide that the term "revenues" shall include the proceeds of any special tax to which an authority may be entitled and to add the definition of "special tax"; Sections 11-89A-3, 11-89A-4 and 11-89A-5, relating to filing of application for incorporation of an authority, authorization of incorporation of an authority, authorization of incorporation of an authority by a governing body of a county or a municipality or any two or more thereof, contents, execution and filing of a certificate of incorporation, and procedure for amendments to certificates of incorporation; Section 11-89A-6, relating to the board of directors of an authority, so as to provide for election, terms of office, vacancies, qualifications, expenses and impeachment; Section 11-89A-8, relating to powers of an authority and location of facilities of an authority, so as to provide that the power of an authority to pledge for the payment of any bonds issued or assumed by the authority its revenues shall include the pledge of proceeds of any special tax to which such authority may be entitled and to provide that any facility or facilities of an authority may be located at such places, within or without the boundaries of its determining subdivisions, as it considers necessary or advisable, subject to the requirement that the governing body of any county or municipality other than a determining subdivision with respect to an authority must give its prior consent to the location in such county or municipality of any facility or facilities owned or operated by such authority in such county or municipality, and to provide that an authority shall not have the power to levy any taxes; Section 11-89A-9, relating to bonds of an authority, so as to make necessary changes in detail relating to the possibility of joint incorporation of an authority by two or more counties or municipalities; Section 11-89A-15, relating to cooperation, aid and agreements from

and with other bodies, so as to provide that any county, municipality or other political subdivision, public corporation, agency or instrumentality of the state may transfer to an authority the proceeds of any special tax which may be levied for the benefit of such authority or any facility owned or operated by such authority or the proceeds of which may have been appropriated, allocated or apportioned to such authority, or to or for the benefit of any such facility, by the Legislature or by the governing body of a county or municipality; Section 11-89A-19, relating to disposition of net earnings of an authority, so as to provide that net earnings of an authority may, in the discretion of its board of directors, be paid to one or more of its determining subdivisions; Section 11-89A-21, relating to dissolution of an authority and vesting of title to an authority's property upon such dissolution, so as to provide that upon dissolution of an authority, the title to all its property shall vest in one or more counties or municipalities in such manner and interests as may be provided in the authority's certificate of incorporation and that if such certificate of incorporation contains no provision respecting the vesting of title to the properties of the authority, title to all such property shall thereupon vest in its determining subdivisions as tenants in common; and to provide that the provisions of this act shall be severable.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 587—to the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Black (With Notice and Proof):

H. 551. Relating to Greene County; providing for an additional expense allowance for the county coroner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 551, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Hill and Knight (With Notice and Proof):

H. 564. Relating to Shelby County; to authorize the creation of public library districts in certain areas of Shelby County; to prescribe conditions and procedures relative to the creation of such districts; to prescribe the organization, rights and powers of such districts; to prescribe limitations on such rights and powers; to provide for the levying of certain service charges; to repeal all conflicting statutes and to provide referendums.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 564, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 551 and 564—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Cosby:

H. 303. To permit local boards of education and the Alabama Institute for Deaf and Blind to use a part of their kindergarten teacher unit funds under certain conditions to employ teacher aides to assist with the kindergarten instructional program based upon criteria established by the state superintendent of education and with his prior approval.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 303—to the Committee on Education

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. McDowell (With Notice and Proof):

H. 591. To provide for the appointment of a Chief Deputy Tax Collector by the Elected Jefferson County Tax Collector and to provide for compensation, funding and qualifications of said Chief Deputy.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 591, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 591—to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Freeman:

H. 89. To amend Section 40-18-52, Code of Alabama 1975, to increase the punishment to a felony for violation of the confidentiality of income tax returns and income tax information and to otherwise clarify its provisions, and to amend Section 40-1-33, Code of Alabama 1975, to increase the punishment for violation of the confidentiality of all tax returns and information secured by the Department of Revenue.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 89—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner:

H. 468. To provide for a limitation on the total cost of license plates, taxes and license fees for motorized recreational vehicles; to return the taxation of such vehicles to the rates, weights and amounts that existed prior to 1984; and to exempt motorized recreational vehicles from the provisions of section 40-12-248 of the Code of Alabama 1975.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 468—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Faulk, Carothers, Moon, Johnson (RG), Flowers, White (L), Warren, Poole, Beasley, Payne, and Mathis:

H. 166. To amend Section 35-12-6 of the Code of Alabama 1975, which relates to the disposition of articles left for service so as to shorten the period unclaimed articles must be held.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 166—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Spratt (With Notice and Proof):

H. 334. Relating to Jefferson County; requiring the county commission to make certain office space provisions in the new Jefferson County Sheriff's Headquarters building located at Eighth Avenue and 22nd Street, North, in the City of Birmingham for certain personnel in the sheriff's department.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 334, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 334—to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Haynes:

H. 351. This bill provides for an exception to the confidentiality provision of Act 87-574 when a potential risk exists in the spread of a contagious

disease by authorizing the State Board of Health to set restrictive guidelines for compliance and set penalties for violation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 351—to the Committee on Health

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Holley, Harper, Kennedy, Richardson, Harvey, and Burke:

H. 573. To provide that all federal funds available to the state and designated for agricultural non-point source pollution control shall be directed to the state soil and water conservation committee by the governor.

WHEREAS, the Alabama legislature finds that there is a growing concern that the quality of water in Alabama's lakes, rivers, streams, aquifers and estuaries continues to degrade; and

WHEREAS, maintaining and improving the health of these water bodies is in the state and national interest; and

WHEREAS, agricultural activities often contribute to the degradation of the state's water resources when excessive nutrients, animal waste, pesticides and sediment leave the land and enter these waters; and

WHEREAS, the state soil and water conservation committee and soil and water conservation districts were created by the legislature almost 50 years ago to assist landusers in carrying out soil and water conservation, water quality and related activities on their lands; and

WHEREAS, in 1986, this legislature established a program to provide financial assistance through cost-share grants to landusers as an incentive for them to control soil erosion, improve their forests and prevent pollution of the state's waters; the state soil and water conservation committee and soil and water conservation districts administer this state cost-share program under the auspices of the Alabama agricultural and conservation development commission; and

WHEREAS, the same state entities administering the state cost-share program have the capability and willingness to administer an agricultural water quality non-point source program; now therefore,

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 573—to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turnham:

H. 185. To amend Section 11-43A-27 of the Code of Alabama 1975, relating to annual examinations of books and accounts of municipalities having a council-manager form of government, so as to provide further for such examinations.

Also:

By Rep. Warren:

H. 669. To propose an amendment to the Constitution of Alabama of 1901, relating to fire protection districts in Monroe County, so as to provide for the levy and collection of certain additional property tax for fire protection and rescue squads in said county.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 185—to the Committee on Governmental Affairs

H. B. 669—to the Committee on Local Legislation No. 1

(The above Bill, H. B. 669, was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reprs. Richardson and Hall (With Notice and Proof):

H. 634. To authorize the Jackson County Commission to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel, as herein defined, and substitutes therefor in such counties not to exceed three cents (3c) per gallon; to provide for the collection and payment of such taxes

and to provide the distribution and the use of the funds derived therefrom; to authorize the Jackson County Commission to make reasonable rules and regulations for the collection of such taxes, and to provide for the enforcement of this act and to fix a civil penalty for the violation of any provision of this act and of the rules and regulations prescribed by such county commission for the collection of said taxes.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 634, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 634—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Zoghby, Harper, Kennedy, Buskey (JE), Marietta, Box, and Clark (W)
(With Notice and Proof):

H. 553. Relating to Mobile County; providing that the county commission or other like governing body of such county shall have the power to levy and collect additional privilege license taxes, excise taxes, alcoholic beverage taxes, ad valorem taxes, and sales and use taxes, subject to any limitation of the Constitution of Alabama or of any general law of this state; providing that any such tax levied by said governing body shall become law either with or without a referendum in the sole discretion of said governing body; providing for the disposition of the proceeds of such taxes; and repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 553, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 553—to the Committee on Local Legislation No. 3

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Rains:

H. 10. To provide for mandatory testing of rapists and prostitutes for sexually transmissible diseases; to provide for voluntary testing in certain instances; and to prescribe additional criminal penalties for persons convicted of rape or prostitution after having tested positive for said diseases.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 10—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. White (L):

H. 435. To amend Sections 27-14-6, 27-15-5 and 27-15-19, Code of Alabama, 1975, the Alabama Insurance Code, to provide that a summary of an application may be attached to a life or disability insurance policy or an annuity contract and when a summary of the application is so attached the policy and summary shall constitute the entire contract between the parties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 435—to the Committee on Banking and Insurance

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Gray, Petelos, Spratt, Rogers, Perdue, Newton, Curry, McClain, White (G), Davis, McDowell, Beers, and Biddle (With Notice and Proof):

H. 558. Relating to Jefferson County; authorizing retirees under the Retirement and Relief System of the City of Birmingham and the Retirement

System of Jefferson County, who are elected to city or county offices, to receive both the retirement benefit and the salary for the public office.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 558, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 558—to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Starkey, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 165. COMMENDING THE UNIVERSITY OF ALABAMA IN HUNTSVILLE AND THE UNIVERSITY OF NORTH ALABAMA ON THE ESTABLISHMENT OF THE ALABAMA EDUCATIONAL COMPUTING RESEARCH AND DEVELOPING NETWORK.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 165, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Beers, Adams, Beasley, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 166. PETITIONING THE U.S. CONGRESS NOT TO COUNT ILLEGAL ALIENS FOR THE PURPOSE OF THE 1990 FEDERAL DECENNIAL CENSUS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request that the U.S. Congress, the President and the Director of the U.S. Census Bureau not count illegal aliens in the 1990 Federal Decennial Census.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each member of the Alabama Congressional Delegation, the President and the Director of the U.S. Census Bureau that they may know of our desires.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 166, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. White (L), White (F), Carter, Butler, Carothers, Freeman, Williams, McKee, Hettinger, Johnson (RG), Grouby, Mikell, Hooper, Hall, Warren, Junkins, Faulk, Beasley, Richardson, Newman, Mathis, and Laird:

H. 141. Relating to pharmaceutical insurance coverage in health insurance policies and employee benefit plans so as to allow any individual who has insurance coverage or contract benefits for pharmaceutical services, including without limitation, prescription drugs, the right to select any pharmacy or pharmacist of his choice to furnish the pharmaceutical services, including without limitation, prescription drugs, provided under such plans or policies; to provide that it shall be the duty and responsibility of the

commissioner of insurance to enforce the provisions of this act; and to provide for penalties for violations as provided in section 27-1-12 of the Code of Alabama 1975.

By Senators Manley, Drinkard, deGraffenried, Foshee, and Smith (J):

S. 438. To further provide for coverage of certain health, medical, hospital and accident and sickness insurance policies or certificates, so as to require certain other surgical and nonsurgical treatment for temporomandibular joint and craniomandibular disorders.

By Senator Hand:

S. 270. To prohibit public and private motor vehicle carriers from transporting hazardous material through tunnels; to provide for jurisdiction of certain law enforcement officers; and to provide certain misdemeanor and felony penalties for certain violations.

Senator Barron, Deputy Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Mitchem, Barron, Rice, Amari, Smith (J), Foshee, Langford, Holmes, Hale, Horn, Dial, Bennett, Hand, Drinkard, Ellis, deGraffenried, Covington, Campbell, Denton, Dixon, Menton, Preuit, Bailey, and Bishop (With Substitute):

S. 93. To provide for a cost of living increase to certain retirees and beneficiaries receiving a monthly benefit from the Teachers' Retirement System of Alabama and in certain cases the Employees Retirement System of Alabama. To further provide for an adjustment in said increase for beneficiaries and for those retirees who elected a monthly survivor option; to provide for the funding of such benefits, and to provide that no person shall be entitled to receive the benefits granted herein if receipt of such will jeopardize such persons eligibility to receive Medicaid benefits.

Senator Preuit, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Horn:

S. 343. To amend Section 15-18-111, Code of Alabama 1975, to further define inmate for purposes of the Supervised Intensive Restitution Program.

By Reps. Blake, Drake, Cosby, Hill, Haynes, Crow, and Fuller:

H. 210. To amend sections 12-18-55, 12-18-58, and 12-18-60, Code of Alabama 1975, to provide that district judges who have served 10 years as a district judge and have reached 70 years of age shall be eligible to retire, regardless of whether such service is continuous; to further provide spousal benefits for district judges equal to 3 percent of their state salary; to further provide that the amount of benefits received by retired district judges shall be computed based on a percentage of their state salary rather than the retirement pay received by circuit judges and to provide that such judges shall be entitled to the same cost-of-living increases as received by retired state employees.

Senator Foshee, Vice Chairperson of the Standing Committee on Natural Resources, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Barron:

S. 356. To create and establish a special abandoned mine land reclamation trust fund to receive and retain up to 10 per centum of the appropriated funds granted annually by the Secretary of the U. S. Department of Interior for the reclamation of abandoned mine lands in Alabama.

By Senator Bishop:

S. 395. To amend Code of Alabama 1975, Section 9-16-81 (f)(1) to provide for an annual license update fee; to amend Code of Alabama 1975, Section 9-16-90(b)(15)(d) to require annual renewal of certification for blasters and to authorize fees for blaster certification and renewal.

By Senator Bishop:

S. 397. Proposing an amendment to the Constitution of Alabama of 1901, authorizing the grant of home rule powers to Alabama county governing authorities.

The above Bill was read a second time at length as required by the Constitution.

By Senator Foshee:

S. 422. To provide for the organization of a public corporation in the state to be known as the State Parks and Park Facilities Development Authority; to designate the officers and members of the board of directors of the authority; to prescribe the powers and duties of the authority; to provide that the authority may issue and sell bonds for certain purposes regarding state parks and park facilities; to provide that such bonds and the income therefrom shall be exempt from taxation, and that such bonds may be issued to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies and for investment of fiduciary funds, and shall not create an obligation or debt of the state; to provide that all bonds issued by the authority may thereafter be refunded by the issuance of refunding bonds; to provide for the disposition of the proceeds of the sale of the bonds of the authority; to make an appropriation and pledge of funds from the special tax levied by Act No. 309, H. 507, of the 1967 Regular Session (Acts of 1967, p. 850), to the extent necessary to pay the principal of and interest on bonds of the authority, as such principal and interest mature; to authorize the authority to pledge such funds for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from such funds and that such bonds shall nevertheless constitute negotiable instruments; to provide that the state treasurer shall be the custodian of the funds of the authority; to provide for the dissolution of the authority.

By Senator Manley:

S. 433. To allow the Alabama state oil and gas board to authorize and regulate the storage of gas in underground reservoirs, strata or formations, in conjunction with the condemnation rights conferred by chapter 5, Title 10, Code of Alabama 1975, and the eminent domain procedure established by chapter 1A, Title 18, Code of Alabama 1975.

Senator Barron, Deputy Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Manley (With Amendment):

S. 124. To provide for the creation of a special reserve account to which the Legislature shall appropriate certain funds to be spent in the event of proration in the Alabama Special Educational Trust Fund budget; to prescribe criteria and procedures for withdrawals from such account in years of proration or in emergency situations as may be determined by the Legislature; to make annual appropriations to such account until a certain amount is established and to provide that such account shall be maintained in trust from year-to-year except during years of proration in the Alabama Special Educational Trust Fund budget and in emergencies; to prescribe procedures and criteria for reimbursement to such account after withdrawals; to provide for the retention of accrued interest; to provide for an effective date; and to repeal conflicting provisions.

Senator Barron, Deputy Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Holmes:

S. 22. To create the Alabama Education Trust Act and to prescribe the powers and duties of the trust and of its board of directors; to provide for advance tuition payment contracts; to establish an advance tuition payment fund and to provide for its administration; to provide for remedies; and to provide for the repealer of this act if the trust has not entered into an advance tuition payment before January 1, 1990.

Senator Barron, Deputy Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Cabaniss, Dial, Hand, and Dixon (With Substitute):

S. 32. Proposing an amendment to the Constitution of Alabama of 1901, relative to providing for a reserve in the annual budget of the state general fund and the Alabama special educational trust fund.

The above Bill was read a second time at length as required by the Constitution.

Senator Rice, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Sanders:

S. 333. To authorize the department of human resources to remove certain items of fully depreciated state property which have little or no resale or reuse value to the state from state property inventory by transferring

title and ownership of same to purchase of service contractors who will continue to utilize those items in providing needed services to clients of the department of human resources.

By Senators Rice, Dial, and Bennett:

S. 470. To further amend section 38-7-3, Code of Alabama 1975, relating to child day care centers which are exempt from regulation by the Department of Human Resources, so as to require those exempted child day care programs be required to submit to the Department of Human Resources written verification of compliance with fire and health regulations, applicable to child day care centers, and that the Department of Human Resources be required to retain such verification on file.

By Rep. Buskey (JE):

H. 46. To amend Section 13A-6-60, Code of Alabama 1975, so as to remove the exemption from criminal responsibility of the spouse for rape and redefine the term "female" which excludes married victims.

Senator Hand, Vice Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Rice (With Substitute):

S. 196. To amend §16-9-1, §16-9-2 and §16-9-12, Code of Alabama, 1975 and delete in their entirety §16-9-4, §16-9-5, §16-9-6, §16-9-7, §16-9-8 and §16-9-9, Code of Alabama, 1975 so as to require county boards of education to appoint county superintendents of education and establish implementation procedures.

Senator Hand, Vice Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 362. To amend Section 16-13-70 of the Code of Alabama 1975; to provide that warrants issued pursuant thereto may be payable out of, among other things, the proceeds of any privilege, license, franchise or excise tax paid, apportioned or allocated to or for the benefit of the county or city board of education issuing such warrants, including specifically and without limitation the franchise, excise and privilege license taxes authorized to be levied by Section 40-12-4 of the Code of Alabama 1975, any provision or implication of said Section 40-12-4 to the contrary notwithstanding; and to provide that such amendment is declarative of existing law respecting the sources of payment of such warrants heretofore or hereafter issued and that such amendment shall therefore have both a prospective and a retroactive or retrospective operation.

Senator Hand, Vice Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with

substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator Dial (With Substitute) (With Amendments):

S. 367. Providing that the membership of the Alabama Commission on Higher Education be comprised of the governor, the lieutenant governor, the speaker of the house, the director of finance, and seven members appointed by the governor from the state at large to serve terms of 3, 6, and 9 years, thereafter the successors to each member initially appointed shall hold office for a term of 9 years, no more than two of such seven to be alumni of any one of the institutions of higher education, all the foregoing to be voting members, and the following non-voting members: one person nominated by The University of Alabama Systems; one person nominated by Auburn University; one person nominated by the council of presidents to represent the regional, four year institutions; and one person nominated by the board of trustees of postsecondary education, and also providing the commission exclusive authority for budgeting and allocation of funds to all public institutions of higher education, subject to the power of the legislature to determine the total amount of funds to be appropriated to all public institutions of higher education, such funds allocated to the four-year public institutions of higher education to be distributed directly to the boards of trustees of such institutions, and such other funds to be distributed to the board of trustees of postsecondary education, and that the commission will be responsible for: determining the role, scope, and mission, and for approving all academic colleges or schools and other extraordinary campus operations concerning the role, scope, and mission of each institution of higher education; for determining which institutions may grant doctoral degrees; for granting authority for the establishment of new campuses and new units or programs of instruction; for approving mergers, consolidations, sales of substantially all assets, and other reorganizations of public institutions of higher education; for formulating, adopting, revising, administering and enforcing articulation standards and agreements and for establishing committees to assist the commission in same; and for establishing an articulation program to become effective no later than the academic year beginning with the 1991 fall term; to provide for the enforcement of articulation standards; to provide for the repeal of any laws inconsistent with this enactment; to provide for the severability of this act's provisions; and to provide for an effective date.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Dial (With Amendment):

S. 44. To amend Section 37-4-116 of the Code of Alabama 1975, relating to fees for inspection and supervision of radio utilities, so as to provide further for such fees and to provide for payment on a quarterly basis.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Dial:

S. 45. To amend Section 37-2-41 of the Code of Alabama 1975, relating to inspection and supervision fees for transportation companies, so as to

provide funds for the regulation and enforcement of customer-owned, coin-operated telephone providers.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Dial (With Substitute):

S. 58. To establish the "Alabama Hazardous Substance Cleanup Fund"; to provide that such fund shall be used for the cleanup and restoration of abandoned or inactive sites at which improper disposal of hazardous substances has occurred; to plan and undertake the rehabilitation, removal and cleanup of hazardous substances deposited improperly at sites located within Alabama; to provide that this fund shall be used for sites not qualified for or unlikely to receive funding for cleanup from funds designated for cleanups under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. §§ 9601 et seq.) and to provide state matching funds for cleanups under the Comprehensive Environmental Response, Compensation and Liability Act of 1980; to provide that the fund shall be administered by the Alabama Department of Environmental Management; to direct the Alabama Department of Environmental Management to secure other funds whenever possible.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Dial:

S. 57. To impose a ban on the development of new commercial hazardous waste treatment or disposal facilities in the state with certain exceptions; to impose an annual limit on the volume of hazardous wastes which may be disposed of at existing commercial hazardous waste treatment or disposal facilities; to provide for an annual reduction in the yearly volume of disposal at existing facilities; to provide certain definitions; to require certain records to be maintained; and to provide for penalties for violation of the imposed volume limitations.

By Senator Covington:

S. 123. To prohibit the Public Service Commission from licensing or regulating trucks or truck tractors.

By Senator Bishop:

S. 243. To amend Section 37-1-80, Code of Alabama 1975, relating to rates charged by public utilities, so as to provide a procedure to be used by the Public Service Commission to determine if the purchase of out of state or foreign coal will alter an electric utility's rates and to prohibit the use of foreign coal to serve certain state facilities.

Senator Denton, Vice Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with

substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Holmes, Covington, Foshee, and Denton (With Substitute):

S. 421. To amend Sections 8-17-210, 8-17-211, 8-17-213, 8-17-221, and 8-17-222, Code of Alabama 1975, which sections provide for the regulation of fireworks in Alabama, so as to provide further for such regulation.

Senator Denton, Vice Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Holmes:

S. 448. To authorize the Department of Aeronautics to promulgate rules and regulations to limit the height of structures, objects of natural growth and use of property in the vicinity of public-use airports; to acquire by purchase or grant, air rights and other interests in land; and to provide penalties for violations of this act or of any ordinance regulation or rule made under the authority conferred herein.

By Senator Holmes:

S. 468. To promulgate "The Construction Equipment Franchise Act" in order to provide for the regulation of construction equipment manufacturers, distributors, wholesalers, dealers and their representatives; to provide for the regulation of dealings and transactions between manufacturers and distributors or wholesalers and their dealers; to prohibit unfair and deceptive trade practices; and to prescribe remedies for violation of the provisions hereof.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Figures (With Notice and Proof) (With Amendment):

S. 391. Relating to Mobile County; providing that the county commission or other like governing body of such county shall have the power to levy and collect additional privilege license taxes, excise taxes, alcoholic beverage taxes, ad valorem taxes, and sales and use taxes, subject to any limitation of the Constitution of Alabama or of any general law of this state; providing that any such tax levied by said governing body shall become law either with or without a referendum in the sole discretion of said governing body; providing for the disposition of the proceeds of such taxes; and repealing conflicting laws.

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Senator Smith (J):

S. 329. To amend Sections 27-14-6, 27-15-5 and 27-15-19, Code of Alabama, 1975, the Alabama Insurance Code, to provide that a summary of an application may be attached to a life or disability insurance policy or an

annuity contract and when a summary of the application is so attached the policy and summary shall constitute the entire contract between the parties.

By Reps. Hall, Butler, Haynes, Flowers, Turner, and Freeman:

H. 481. To amend Section 17-22-5 of the Code of Alabama 1975, relating to filing certain statements under the state corrupt practices statutes, so as to provide further for the candidates required to file such statements.

By Senator Ellis:

S. 159. To further amend Section 36-27-51, Code of Alabama 1975, as amended, reopening the Employees' Retirement System of Alabama for certain municipal employees on a certain date, so as to add certain employees of political subdivisions thereof; to prescribe eligibility therefor and the payment for certain creditable service.

By Senator Ellis:

S. 327. To provide a comprehensive system of law applicable to all counties in this state defining the powers of any such counties to construct improvements or reimprovements consisting of streets or any portions thereof, sanitary sewers and sewer systems and water and gas mains and service connections, drainage improvements or drainage systems and the filling in of swamps or inundated or overflowed or submerged lands, ornamental lighting systems or white way systems of lighting and the construction, acquisition, improvement and extension of seawalls, dikes, levees and embankments in such counties; to provide a method for the assessment of the cost of any such improvement against the property abutting on, or drained, served, or benefited by such improvement; to require the adoption of a resolution describing the improvement and the property abutting on, or the area to be drained, served or benefited by such improvement; to require the filing of plans and specifications for such improvement; to provide for publication and mailing of notice of the adoption of the said resolution; to provide for a public hearing on such improvement; to provide for payment of the cost of the improvement; to provide for the establishment of the grade of certain streets, avenues, alleys or sidewalks to be improved; to provide for public advertisement for bids for the construction of the improvement unless the county shall perform the work or provide materials from its own resources; to provide that the county commission must accept or reject work on the part of the county; to provide for supervision of the work; to provide for the levy of assessments on the property abutting on or drained, served or benefited by any improvement; to provide for the assessment against lands purchased by the state; to provide the manner of assessments generally; to provide for improvements of intersections of streets, avenues or other highways; to provide for sidewalk improvements; to provide for the preparation of a list of owners and parcels to be assessed, and publication of notice of such list; to provide for the entry of the list in an assessment book for local improvements; to provide for the delivery of the assessment book to the county clerk and the publication of notice as to delivery and inspection of such book; to provide for notice of hearing of objections; to provide for the contents of the notice as to the hearing on assessments for improvements; to provide for any defects or errors therein; to provide for the filing of written objections to assessments by property owners; to provide for a hearing on the proposed assessments and making the same final; to provide for the powers of the commission as to the subpoena of witnesses; to provide for the establishment of a lien on the property subject to the assessments and for the priority thereof; to provide for the reduction or abatement of certain

assessment; to provide for procedures with respect to erroneous assessments and assessments in excess of benefits derived; to authorize the transfer and assignment of such liens, and for the enforcement thereof; to specify other provisions with respect to such liens; to provide for the effect of enforcement of tax liens upon property subject to assessment liens and the duration of assessment liens; to provide for the effect of sale of property for enforcement of an assessment lien upon other assessment liens upon the same property; to provide a system for appeals from the making of such final assessment; to provide for bond on appeal; to provide for entry on trial docket of appeal; to provide for the transcript for appeal; to provide for prima facie evidence on appeal; to provide for the conduct of appeal, right of jury trial and the entry of judgment and assessment of costs generally; to provide for the conduct of appeal, right of jury trial and the entry of judgment and assessment of costs generally; to provide for the entry of judgment for amounts properly chargeable against lands where the assessment is defective; to provide for appeals from the judgment of the circuit court; to provide for the addition of interest and damages upon affirmance of judgment for the county; to provide that the county may appeal from any judgments of the circuit court without giving bond; to provide for the issuance of execution and order of sale upon entry of final judgment in favor of the county; to provide a system for payment of all such assessments and for default in such payments; to provide for proceedings for sale of land upon failure of owner to pay assessment; to provide for the payment of assessments prior to sale; to provide that the costs of notice and sale are to be charged against the land; to provide for the execution of a deed to the purchaser at such sale; to provide for the effect of error and defect of notice of sale; to provide for the redemption of property after sale generally; to provide for the extension of the redemption period; to provide for the application for filing of certificate of warning to redeem upon the record of local improvement assessment sale deed; to provide for the mailing of copies of deed and certificate to persons last assessed upon property described in deed by probate judge; to provide for the redemption of property during extended redemption period; to provide for the performance of duties of the probate judge; to provide for the redemption of property; to provide for the making of temporary loans or issuance of bonds before or during progress of work to pay for cost of improvement; to provide for the issuance of bonds after completion of work; to provide for the applicability of provisions of law as to issuance of county bonds generally; to provide for the issuance of bonds generally; to provide for the maturity and payments of such bonds; to provide for the disposition of proceeds from the sale of bonds; to provide for the grouping of improvements for the issuance of bonds; to provide for the maintenance and disposition of sinking fund accounts for bond issues; to provide for the bond of the officer charged with the collection of assessments; to provide for the redemption of bonds; to provide for the refunding of excess assessments; to provide a limitation period for presentation of claims and disposition of amounts not refunded; to provide for the settlement, adjustment or refunding of bonds; to provide for the consolidation of separate outstanding issues or issuance of refunding bonds; to provide for the maintenance and disposition of sinking fund accounts for refunding bond issues; to grant to any county the right of eminent domain with respect to improvements; to provide that this Act shall not affect the powers of counties to compel property owners to repair sidewalks; to provide for apportionment of assessments against property for public improvements among joint owners thereof; to provide for a petition of a tenant in common for division of an assessment among joint owners of property; to provide for a division of assessment among the tenants in common; to provide for a notice to property owners of division of assessment;

to provide for appeals from division of assessment; to provide for correction of description of ownership of property and reduction of an assessment; to provide for the effect of reduction upon an assessment lien; to provide for the effect of annexation and incorporation of an area in which assessments have been made; to amend Section 11-28-3, Code of Alabama 1975, as amended, relating to the issuance of warrants by counties so as to provide for the pledge of assessments for the benefit of such warrants; to provide for severability of the provisions of this Act and for the repeal of inconsistent laws; and to establish the effective date of this Act.

By Reps. Payne, Campbell, Clark (J), Faulk, and Rains:

H. 130. To amend Section 32-6-150, Code of Alabama 1975, as amended, relating to the issuance and sale of commemorative license tags for Troy State University, so as to provide for such tags to be issued for each public four year college and university located in Alabama to provide for the application, sale, fees and disposition of net revenues generated therefrom; to provide for the design of such tags for such colleges and universities; deletes Section 32-6-152; amends Section 32-6-156; and to provide for an effective date.

By Senators Bedsole and Hale:

S. 310. To levy an assessment on forest lands for forest fire protection and prevention and to provide for penalties for violations.

By Senators Bedsole and Hale:

S. 309. Proposing an amendment to the Constitution of 1901, relating to the promotion of forestry and fire protection on forest property within this state; providing funds for the administration of such forestry program hereby enacted on a state-wide basis; providing for the levying, collecting, and distribution of charges, fees or assessments for costs; allowing certain local laws heretofore enacted providing for similar local forest fire protection and assessment programs to be repealed, replaced or superceded; all depending upon ratification by the voters of this amendment.

By Senator deGraffenried:

S. 292. To provide for the establishment of a fund from which survivor allowances for spouses of deceased district or supernumerary district attorneys shall be paid; to provide requirements for eligibility for receipt of such benefits; to provide funding for the proper operations and maintenance of such fund; and to provide for the management of such fund.

By Senators deGraffenried and Bedsole:

S. 296. To amend sections 36-32-1, 36-32-2 and 36-32-3, Code of Alabama 1975, which provide for the Fire Fighters' Standards and Education Commission, so as to further define certain terms, reestablish the State Fire College at Shelton State Community College, provide for the administration of the State Fire College, provide further for the appropriations to the State Fire College, and repeal sections 16-59-1 through 16-59-4, Code of Alabama 1975, which relate to the State Fire College.

By Senators Figures and deGraffenried:

S. 427. To create a Black Heritage Museum of West Alabama at Stillman College; to create a repository of source materials on Black history and culture; and to provide for the authority to receive certain available funds.

ADJOURNMENT

At 1:20 A.M., on motion of Senator Rice, in accordance with Motion heretofore adopted, the Senate adjourned until Thursday, March 10, 1988, at 10 o'clock A.M.

THIRTEENTH LEGISLATIVE DAY

THURSDAY, MARCH 10, 1988

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by the Reverend Larry Armstrong, Associate Pastor, Eastern Hills Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Tracey Thrash, Georgia Washington Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Figures	Manley
Amari	Corbett	Foshee	Menton
Bailey	Covington	Goodwin	Mitchem
Barron	deGraffenried	Hale	Parsons
Bedford	Denton	Hand	Preuitt
Bedsole	Dial	Hilliard	Rice
Bennett	Dixon	Holmes	Sanders
Bishop	Drinkard	Horn	Smith (B)
Cabaniss	Ellis	Langford	Smith (J)

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JOURNAL

On motion of Senator Denton, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twelfth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Twelfth Legislative Day was approved by the Senate.

RECESS

At 10:15 A.M., on motion of Senator Drinkard, the Senate took a recess subject to the call of the Chair.

**REGULAR SESSION
13th Day**

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At 10:40 A.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

MOTION TO ADJOURN

Senator Bishop moved that when the Senate adjourns today, it adjourn to meet again on Monday, March 21, 1988, at 2 o'clock P.M.

Senator Cabaniss offered a substitute motion that when the Senate adjourns today, it adjourn to meet again on Tuesday, March 22, 1988, at 2 o'clock P.M., which motion was adopted.

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 87. COMMENDING THE UNIVERSITY OF ALABAMA IN HUNTSVILLE ON ITS HIGH NATIONAL RANKING AS THE TOP SCHOOL IN THE SOUTH IN SCIENCE AND TECHNOLOGY EDUCATION.

Also:

H. J. R. 53. HONORING WILLIAM WALLACE GROSS OF SCOTTSBORO, ALABAMA.

On motion of Senator Drinkard, the Resolutions, H. J. R.'s 87 and 53, were concurred in and adopted by the Senate.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 105. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the thirteenth legislative day of the 1988 Regular Session only:

Inst Id	Page
S. 326	17
Parolees, violation of parole, time for holding without warrant extended, Sec. 15-22-31 am'd.	
S. 306	11
Liquefied Petroleum Gas Bd., further regulated Secs. 9-17-100, 9-17-101, 9-17-102, 9-17-104 thru 9-17-109 am'd.	
S. 97	12
Public school systems, personnel vacancy notice to be posted.	

S. 7	8
Highway Dept. self-insurance program fund, funds transferred from St. Road and Bridge Fund.	
S. 66	8
Banking, bank trust depts. auth. to list trust funds as pledge of assets for security, Sec. 5-5A-28 am'd.	
S. 128	6
Municipalities estab. self-funded liability insurance for protection for member municipalities.	
S. 47	15
Pipeline facilities transporting hazardous liquids facilities used in the liquefaction of natural gas, Public Service Commission to reg.	
H. 193	23
Physicians, out of state, auth. to practice temporarily, Sec. 34-24-74 am'd.	
S. 330	40
Caves, regulation, liability and exemptions, pollution and vandalism penalties.	
H. 417	37
Linked deposits, 1988 Wallace plan created, low-cost loans to agriculture and business, st. treasurer to admin.	
S. 428	44
Alabama Water Supply Authority, estab.	
On motion of Senator Drinkard, the Resolution was adopted by the Senate.	

NOTICE IN WRITING

Senator Corbett requested and received permission to suspend the Rules in order to offer the following Notice in Writing, to-wit:

NOTICE IN WRITING

Notice is hereby given that on the next legislative day a motion will be made to amend the Senate Rules by adding the following as Rule 80.

“RULE 80. When the Senate is in session, any male Senator who is present shall be properly dressed in coat, tie, and socks. Any female Senator shall be properly dressed in appropriate attire.”

Which was read and ordered filed with the Secretary.

MOTIONS IN WRITING

Senator Holmes offered the following Motions in Writing, to-wit:

I move that the Bill, S. B. 421, on page 59 of the 13th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

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13th Day

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Also:

I move that the Bill, S. B. 468, on page 60 of the 13th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which were adopted, and the President and Presiding Officer of the Senate ordered said Bills, S. B.'s 421 and 468, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MOTION TO ADJOURN LOST

At 11:10 A.M., Senator Bishop moved that the Senate adjourn, which motion was lost.

Yeas 7; Nays 21.

Yeas:

Senators:	Bishop	Figures	Parsons	
Bedford	Corbett	Hilliard	Rice	—7

Nays:

Senators:	Cabaniss	Drinkard	Manley	
Amari	Campbell	Ellis	Menton	
Bailey	deGraffenried	Foshee	Preuit	
Barron	Denton	Goodwin	Smith (B)	
Bedsole	Dial	Hale	Smith (J)	
Bennett	Dixon			—21

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Denton:

S. 512. To make an appropriation from the State General Fund to the Helen Keller Property Board for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance and Taxation.

By Senator Denton:

S. 513. To make an appropriation from the State General Fund to the W. C. Handy Property Board for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance and Taxation.

By Senator Denton:

S. 514. To provide that any Class 8 municipality presently operating under a commission form of government with commissioners elected at large and which at large system has been held to be in violation of the federal Voting Rights Act by a court of law may, by an ordinance duly adopted not

less than three months prior to the regular municipal election, adopt a mayor-council form of government with the mayor elected at large and a five-member council elected from single-member districts; to divide the municipality into five single-member districts; to provide residency requirements for candidates seeking election to the council from said districts; to provide that candidates for council members may be elected by only the electors of the district they wish to represent; to describe the territory composing each district with the boundary lines being the centerline of streets as other well-defined boundaries; and to provide that such municipalities shall thereafter be governed by a mayor-council form of government with the same powers and duties as other mayor-council municipalities organized under Title 11 of the Code of Alabama 1975.

Committee on Governmental Affairs.

By Senator Denton:

S. 515. To provide that any Class 7 municipality presently operating under a commission form of government with commissioners elected at large and which at large system has been held to be in violation of the federal Voting Rights Act by a court of law may, by an ordinance duly adopted not less than three months prior to the regular municipal election, adopt a mayor-council form of government with the mayor elected at large and a five-member council elected from single-member districts; to divide the municipality into five single-member districts; to provide residency requirements for candidates seeking election to the council from said districts; to provide that candidates for council members may be elected by only the electors of the district they wish to represent; to describe the territory composing each district with the boundary lines being the centerline of streets as other well-defined boundaries; and to provide that such municipalities shall thereafter be governed by a mayor-council form of government with the same powers and duties as other mayor-council municipalities organized under Title 11 of the Code of Alabama 1975.

Committee on Governmental Affairs.

By Senators Drinkard, Bailey, Langford, Campbell, Hale, Rice, Mitchem, Parsons, Hand, Smith (B), Amari, and Denton:

S. 516. To create the "Alabama Clean Indoor Air Act;" to prohibit the smoking of tobacco products in certain public places and on public transportation; and to provide for penalties for violations.

Committee on Health.

By Senator Bennett:

S. 517. To make it unlawful to use certain pipes, solder or flux in the construction, installation or repair of certain drinking water facilities and systems; authorizing the Alabama Department of Environmental Management to establish provisions and to promulgate rules and regulations to protect drinking water from lead contamination by prohibiting use of any pipes, solder, or flux which are not lead-free in the construction of any public water system or piping providing water for human consumption which is connected to a public water system, prescribing penalties for violation and to provide for compliance with the 1986 Federal Safe Drinking Water Act.

Committee on Health.

By Senator deGraffenried:

S. 518. To amend Section 40-25-23, Code of Alabama 1975, to provide that the revenues derived from the tax levied upon cigarettes by Sections 40-25-2 and 40-25-41 of the Code of Alabama 1975, so as to provide that the twelve and twelve one-hundredths percent of the said tax shall be used first to pay bonds of the state issued for acquisition and construction of mental health facilities under Amendment 266 to the Constitution of Alabama and second, to any bonds that may be issued by the Alabama Mental Health Finance Authority under the provisions of an act adopted at the 1988 Regular Session of the Legislature of Alabama that was introduced as Senate Bill No. 518; to correct a typographical error in Section 40-25-23, subsection (1)b.1(vii); to change references to the mental health board to the Department of Mental Health and Mental Retardation provided for in Chapter 50 of Subtitle 2 of Title 22 of the Code of Alabama 1975; and to delete the provisions for distribution of proceeds of the said tax to Alabama Mental Health Building Authority.

Committee on State Development
and Tourism.

By Senator Sanders (With Notice and Proof):

S. 519. Relating to Sumter County; to amend Act 87-619 (H. 1082) of the 1987 Regular Session, which provides for a gasoline and motor fuel tax, so as to provide that said tax shall be levied by the county commission and to grant authority for said levy.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 519, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Dixon and Langford:

S. 520. To amend Sections 31-6-4 and 31-6-11, Code of Alabama 1975, relating to the educational benefits for certain children and unmarried widows of servicemen who were killed or died in the line of duty while serving as a member of the armed forces of the United States, so as to provide further for said educational benefits.

Committee on Finance and Taxation.

By Senator Rice:

S. 521. To amend sections 16-33B-1, 16-33B-3 and 16-33B-4, Code of Alabama 1975, relating to the Alabama guaranteed student loan program, so as to define approved lender, student loans, Federal Student Loan Law and eligible institution; to provide program administration in accordance with the Federal Student Loan Law; to provide for basic powers and duties of the Alabama Commission on Higher Education in accordance with the Federal Student Loan Law; to promote the availability of the Alabama guaranteed student loan program; and to service loans.

Committee on Education.

By Senator Rice:

S. 522. To amend Sections 16-6A-12 and 16-6A-13, Code of Alabama 1975, which provide for the Educational Reform Act of 1984, to as to provide

further for eligibility for and repayment of scholarship loans for teacher education programs in critical needs areas.

Committee on Education.

By Senator Rice:

S. 523. To reopen the Teachers' and Employees' Retirement Systems of Alabama for purchase of certain military service credit; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama; to provide that this act shall take effect October 1, 1988; and to provide for its termination on October 1, 1989.

Committee on Finance and Taxation.

By Senator Rice:

S. 524. Requiring an additional license fee for licensure as a general contractor; and providing that the revenue derived from such additional fee shall be distributed to institutions of higher education offering approved courses in building science.

Committee on Governmental Affairs.

By Senator Rice:

S. 525. To provide for the regulation of the practice of occupational therapy; to provide for a short title, a declaration of purpose and definitions in regard to regulation; to provide for the establishment of the Alabama State Board of Occupational Therapy, its terms of office, vacancies, and removal of members; to provide for meetings of the board; to provide for compensation for members of the board; to provide for administrative provisions and powers and duties of the board; to provide requirements for licenses to practice, qualifications of applicants, examination as a requirement for licensure, waiver of requirements, and persons and practices not affected by this act; to provide for service of process and official records for prima facie evidence; to provide for issuance of a license and cause for suspension, revocation and renewal of license; to provide for fees; to provide for crimes and criminal penalties for violations of this act; to provide for appeal or review; to provide for severability; to provide for an effective date; and to provide for other matters relative to the foregoing.

Committee on Governmental Affairs.

By Senators Menton, Goodwin, and Denton:

S. 526. To amend Section 9-17-13, Code of Alabama 1975, relating to oil and gas production and the integration or pooling of separately owned tracts of land and the development thereof as drilling or production units, so as to provide further for the costs relating to said integration or pooling.

Committee on Natural Resources.

By Senator Corbett:

S. 527. To amend Section 25-4-10(b)(17) Code of Alabama 1975, as last amended (The Alabama Unemployment Compensation Law) to exclude from the term "employment" certain services performed in the cleaning, processing and handling of a seafood commodity and to provide for its

retroactive effect to January 1, 1985. To further amend Section 25-4-10(b)(17)b to exclude from "employment" services performed on or in a vessel of more than 10 tons operating with a crew of fewer than 10 engaged in catching or gathering certain fish or other forms of aquatic animal life if remuneration is solely by share of catch and to provide for its retroactive effect to January 1, 1985. To correct certain clerical errors in the act; Section 25-4-10, Code of Alabama 1975, at last amended, is hereby amended to read:

"§25-4-10. Employment:

(a) Subject to other provisions of this chapter, "employment" means:

(1) Any service performed prior to January 1, 1978, which was employment as defined in this section prior to such date and, subject to the other provisions of this section, services performed for remuneration after December 31, 1977, including service in interstate commerce, by:

a. Any officer of a corporation; or

b. Any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee; or

c. Any individual other than an individual who is an employee under paragraphs a or b of this subdivision (1) who performs services for remuneration for any person:

1. As an agent-driver or commission-driver engaged in distributing meat products, bakery products, beverages (other than milk) or laundry or dry cleaning services for his principal;

2. As a traveling or city salesman engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors or operators of hotels, restaurants or other similar establishments for merchandise for resale or supplies for use in their business operations.

For purposes of paragraph c of this subdivision, the term "employment" shall include services described in subparagraphs 1 and 2 of paragraph c of this subdivision, performed after December 31, 1971, only if:

(i) The contract of service contemplates that substantially all of the services are to be performed personally by such individual;

(ii) The individual does not have a substantial investment in facilities used in connection with the performance of the services (other than in facilities for transportation); and

(iii) The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are rendered.

(2) Service performed:

a. After December 31, 1971, but prior to January 1, 1978, by an individual in the employ of this state or any of its instrumentalities or political subdivisions or their instrumentalities (or in the employ of any of the foregoing and one or more other states of their instrumentalities or political subdivisions) for a hospital or institution of higher education located in this state; provided, however, that such service is excluded from "employment"

as defined in the Federal Unemployment Tax Act solely by reason of Section 3306(c)(7) of that act, and is not excluded from "employment" under subsection (b) of this section; provided further, that such service in the employ of a political subdivision or any of its instrumentalities shall be deemed to be "employment" within the meaning of this chapter only if said political subdivision or its instrumentalities has elected to become an employer subject to this chapter pursuant to section 25-4-131 for all such service in the employ of the political subdivision and its instrumentalities and has not ceased to be an employer subject hereto pursuant to section 25-4-130 or section 25-4-131; and

b. After December 31, 1977, in the employ of this state or any of its instrumentalities or of any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of any one of the foregoing and one or more other states or political subdivisions, provided, however, that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act by section 3306(c)(7) of that act and is not excluded from "employment" under subsection (b) of this section.

c. For the purposes of this chapter, the term "governmental entity" in reference to this state is defined as the entirety of state government, but for the purposes of reporting, accounting or other administrative procedures such entity shall be divided into each department, agency, board, commission and any other separately organized division or instrumentality of this state. The comptroller of this state shall make such payments to the director as are required by the other provisions of this chapter as they pertain to the various organizational components of the state. The comptroller is hereby authorized to require of such components such payments as are necessary to discharge his responsibilities and shall enforce such payments under the provisions of subsection (b) of section 25-4-51.

d. The term "governmental entity" in reference to any political subdivision is defined as each county and its instrumentalities and each municipality and its instrumentalities, except that each instrumentality of a political subdivision which is separately incorporated or otherwise removed from the control of the governing body of the political subdivision shall be a separate governmental entity. Instrumentalities organized and operated jointly by any combination of two or more of the aforementioned entities shall be considered as constituting a separate governmental entity. The foregoing notwithstanding, each separate public school system shall constitute a separate governmental entity.

(3) Service performed after December 31, 1971, by an individual in the employ of a religious, charitable, educational or other organization but only if the following conditions are met:

a. The service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of Section 3306(c)(8) of that act, and is not excluded from "employment" under subdivisions (8) and (21) of subsection (b) of this section; and

b. The organization had four or more individuals in employment for some portion of a day in each of 20 different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time.

(4) a. Service performed after December 31, 1977, by an individual in agricultural labor as defined in subdivision (1) of subsection (b) of this section, when:

1. Such service is performed for an employing unit which:

(i) During any calendar quarter in either the current or the preceding calendar year paid remuneration in cash of \$20,000.00 or more to individuals employed in agricultural labor (not taking into account service in agricultural labor performed before January 1, 1984, by an alien referred to in subparagraph 2 of this paragraph a.); or

(ii) For some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor (not taking into account service in agricultural labor performed before January 1, 1984, by an alien referred to in subparagraph 2 of this paragraph a.) 10 or more individuals, regardless of whether they were employed at the same moment of time.

2. For the purposes of this paragraph a, such service is not considered to be performed in agricultural labor if performed before January 1, 1984, by an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to sections 214(c) and 101(a)(15)(H) of the Immigration and Nationality Act.

3. For the purposes of this paragraph a any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other person shall be treated as an employee of such crew leader.

(i) If such crew leader holds a valid certificate of registration under the Farm Labor Contractor Registration Act of 1963, or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or crop dusting equipment, or any other mechanized equipment, which is provided by such crew leader; and

(ii) If such individual is not an employee of any other person within the meaning of subdivision (1) of this subsection.

4. For the purposes of this subdivision (4) in the case of any individual who is furnished by a crew leader to perform service in agricultural labor for any other person and who is not treated as an employee of such crew leader under subparagraph 3 of this paragraph a:

(i) Such other person and not the crew leader shall be treated as the employer of such individual; and

(ii) Such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader (either on his own behalf or on the behalf of such other person) for the service in agricultural labor performed for such other person.

5. For the purposes of this paragraph a, the term "crew leader" shall mean an individual who:

(i) Furnishes individuals to perform service in agricultural labor for any other persons;

(ii) Pays (either on his own behalf or on behalf of such other person) the individuals so furnished by him for the service in agricultural labor performed by them; and

(iii) Has not entered into a written agreement with the farm operator under which such crew leader is designated as an employee of such farm operator.

b. Domestic service after December 31, 1977, in a private home, local college club or local chapter of a college fraternity or sorority performed for a person who paid cash remuneration of \$1,000.00 or more in any calendar quarter in the current calendar year or the preceding calendar year to individuals employed in such domestic service.

For the purposes of this paragraph b the term "domestic service" includes all service for a person in the operation and maintenance of a private household, local college club or local chapter of a college fraternity or sorority as distinguished from service as an employee in the pursuit of an employer's trade, occupation, profession, enterprise or vocation.

(5) The term "employment" shall include the service of an individual who is a citizen of the United States, performed outside the United States after December 31, 1971, (except in Canada or in the case of the Virgin Islands after December 31, 1971, and prior to January 1 of the year following the year in which the U. S. secretary of labor approves the Unemployment Compensation Law of the Virgin Islands under section 3304(a) of the Internal Revenue Code of 1954) in the employ of an American employer (other than service which is deemed "employment" under the provisions of subdivision (8) or (9) of this subsection (a) or the parallel provisions of another state's law), if:

a. The employer's principal place of business in the United States is located in this state; or

b. The employer has no place of business in the United States, but:

1. The employer is an individual who is a resident of this state; or

2. The employer is a corporation which is organized under the laws of this state; or

3. The employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any other state; or

c. None of the criteria of paragraphs a and b of this subdivision (5) is met but the employer has elected coverage in this state, or the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this state.

d. An "American employer," for the purpose of this subsection, means a person who is:

1. An individual who is a resident of the United States; or

2. A partnership, if two-thirds or more of the partners are residents of the United States; or

3. A trust, if all of the trustees are residents of the United States; or

4. A corporation organized under the laws of the United States or of any state.

e. For the purposes of this subdivision (5), the term "United States" includes the states of the United States, the District of Columbia, the

Commonwealth of Puerto Rico, and in the case of the Virgin Islands, after December 31 of the year in which the U. S. secretary of labor approves the Virgin Islands' Unemployment Insurance Law for the first time.

(6) Notwithstanding subdivision (8) of this subsection (a), all service performed by an officer or a member of the crew of an American vessel on or in connection with such vessel, if the operating office from which the operations of such vessel operating on navigable waters within, or within and without, the United States are ordinarily and regularly supervised, managed, directed and controlled, is within this state.

(7) Notwithstanding any other provisions of this section, service with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act is required to be covered under this chapter.

(8) Subject to the other provisions of this section, the term "employment" shall include an employee's entire service, performed within or both within and without this state if:

a. The service is localized in this state; or

b. The service is not localized in any state but some of the service is performed in this state and the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled is in this state, or the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the employee's residence is in this state;

c. Service shall be deemed to be localized within a state if the service is performed entirely within such state, or the service is performed both within and without such state, but the service performed without such state is incidental to the employee's service within the state; for example, service which is temporary or transitory in nature or consists of isolated transactions;

d. The service shall be deemed to be localized in this state wherever such service is performed within the United States, as defined in paragraph e of subdivision (5) of subsection (a) of this section, if such service is not covered under the unemployment compensation law of any other state, as defined in section 25-4-14, and the place from which such service is directed or controlled is in this state.

(9) Services not covered under subdivision (8) of this subsection (a) and performed entirely without the state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this chapter if the employee performing such service is a resident of this state and the director approves the election of the employing unit for whom such services are performed. The entire service of such employee shall be deemed to be "employment" subject to this chapter.

(10) The term "employment" includes a person's entire services if such service is deemed performed in this state by virtue of reciprocal agreements pursuant to the provisions of section 25-4-120 and does not include any service which by virtue of such agreement is deemed performed in another state.

(b) The term "employment" shall not include:

(1) Except as provided in paragraph a of subdivision (4) of subsection (a) of this section, service performed by an individual in agricultural labor. For purposes of this chapter, the term "agricultural labor" means any service performed prior to January 1, 1978, which was agricultural labor as defined in this section prior to such date, and remunerated service performed after December 31, 1977, if such service was performed:

a. On a farm, in the employ of any employing unit, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, bees, poultry and fur-bearing animals and wildlife.

b. In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

c. In connection with the production or harvesting of any commodity defined as an agricultural commodity in Section 15(g) of the Agricultural Marketing Act, as amended (46 Stat. 1550, Sec. 3; 12 U.S.C. 1141j), or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes.

d. In the employ of the operator of a farm, a group of operators of farms (or a cooperative organization of which such operators are members) in handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodities, but only if such operator or group of operators (or a cooperative organization of which such operators are members) produced more than one half of the commodity with respect to which service is performed; provided, however, the provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

e. On a farm operated for profit if such service is not in the course of the employer's trade or business.

As used in this subdivision, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

(2) Prior to January 1, 1978, domestic services in a private home, local college club, or local chapter of a college fraternity or sorority and after December 31, 1977, if the provisions of paragraph b of subdivision (4) of subsection (a) of this section are not met.

(3) Casual labor not in the usual course of the employer's trade or business performed after December 31, 1971, in any calendar quarter by an individual, unless the cash remuneration paid for such service is \$50.00 or

more and such service is performed by an individual who is regularly employed by such employing unit to perform such service. For the purposes of this subdivision, an individual shall be deemed to be regularly employed to perform service not in the course of an employing unit's trade or business during a calendar quarter only if:

a. On each of some 24 days during such quarter such individual performs such service for some portion of the day; or

b. Such individual was regularly employed (as determined under paragraph a of this subdivision) by such employing unit in the performance of such service during the preceding calendar quarter.

(4) Service performed by an individual in the employ of his son, daughter or spouse, and service performed by an individual under the age of 21 in the employ of his father or mother.

(5) Prior to January 1, 1978, except to the extent set forth in subdivision (2) of subsection (a) of this section, service performed in the employ of this state, or any political subdivision thereof, or of any instrumentality of this state or its political subdivisions.

(6) Prior to January 1, 1978, except as provided in subdivision (2) of subsection (a) of this section, service performed in the employ of any other state or any political subdivisions thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by one or more such states or political subdivisions, and any service performed in the employ of any instrumentality of any one or more other states or their political subdivisions to the extent that the instrumentality is, with respect to such service, immune, under the Constitution of the United States from the tax imposed by section 3301 of the federal Internal Revenue Code.

(7) Service performed in the employ of the United States government or of any instrumentality wholly owned by the United States, except that if the congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under this chapter, then to the extent permitted by congress and from and after the date as of which such permission becomes effective, all of the provisions of this chapter shall be applicable to such instrumentalities and to services performed by employees for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers and employing units; provided, however, if this state should not be certified by the secretary of labor under section 3304(c) of the federal Internal Revenue Code for any year, then the payment required of such instrumentality with respect to such year shall be deemed to have been erroneously collected within the meaning of article 3 of this chapter and shall be refunded by the director from the fund in accordance with the provisions of section 25-4-137.

(8) Except to the extent set forth in subdivision (3) of subsection (a) of this section, service performed in the employ of a corporation, community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation.

(9) Service performed after June 30, 1939, with respect to which unemployment compensation is payable under the Railroad Unemployment Insurance Act of congress (52 Stat. 1094, as amended) and services with respect to which unemployment compensation is payable under any other unemployment compensation system established by an act of congress; provided, however, that the director is hereby authorized and directed to enter into agreements with the proper agencies under such act or acts of congress, which agreements shall become effective 10 days after publication thereof in the manner provided in section 25-4-111 for general rules to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this chapter acquired rights to unemployment compensation under such act or acts of congress, or who have, after acquiring potential rights to unemployment compensation under such act or acts of congress, acquired rights to benefits under this chapter.

(10) Service performed by an individual as an insurance agent or as an insurance solicitor, if all such service performed by such individual is performed for remuneration solely by way of commission.

(11) Service performed, in the employ of a school, college or university, if such service is performed:

a. By a student who is enrolled and is regularly attending classes at such school, college or university; or

b. By the spouse of such a student, if such spouse is advised at the time such spouse commences to perform such service, that:

1. The employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college or university; and

2. Such employment will not be covered by any program of unemployment insurance.

(12) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except this paragraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers.

(13) Service performed in the employ of a hospital, if such service is performed by a patient of the hospital as defined in subsection (e) of this section, or service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state laws, and service performed as an intern in the employ of a hospital by an individual who has completed a four-year course in a medical school chartered or approved pursuant to state law.

(14) Service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.

(15) Except as provided in subdivisions (2) and (3) of subsection (a) of this section, any employment or service which is excluded by the express

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statutory provisions of Section 3306 of the federal Internal Revenue Code as amended.

(16) Service performed by an officer or member of the crew of a vessel which is not an American vessel. The term "American vessel" means any vessel documented or numbered under the law of the United States, and includes any vessel which is neither documented nor numbered under the laws of the United States nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any state.

(17) Service performed by an individual in (or as an officer or member of the crew of a vessel while it is engaged in) the catching, taking, harvesting, cultivating or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds or other aquatic forms of animal and vegetable life (including service performed by any such individual as an ordinary incident to any such activity), except: and effective January 1, 1985 service performed in cleaning, processing or handling of a seafood commodity in preparation for sale, packaging, canning or shipment to a terminal point for sale, packaging or canning, provided that the cash remuneration for such service is solely by unit of production, except:

a. Service performed in connection with the catching or taking of salmon or halibut for commercial purposes; and

b. Service performed on or in connection with a vessel of more than 10 net tons (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States); unless, effective January 1, 1985, remuneration for such service is solely by share of catch or proceeds thereof and the normal crew of such vessel is fewer than 10. Each voyage of each vessel is considered separately.

(18) Service performed in the employ of a foreign government (including service as a consular or other officer or employee or a nondiplomatic representative).

(19) Service performed in the employ of an instrumentality wholly owned by a foreign government if:

a. The service is of a character similar to that performed in foreign countries by employees of the United States government or of an instrumentality thereof; and

b. The director finds that the United States secretary of state has certified to the United States secretary of the treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States government and of instrumentalities thereof.

(20) Except to the extent set forth in subdivision (3) of subsection (a) of this section, service performed in any calendar quarter in the employ of any organization exempt from income tax under Section 501(a) of the federal Internal Revenue Code (other than organizations described in section 401(a)) or under Section 521 of such Code, if the remuneration for such service is less than \$50.00.

(21) Services performed for any governmental entity, institution or organization described in subdivisions (2) and (3) of subsection (a) of this section:

a. In the employ of:

1. A church or convention or association of churches; or

2. An organization that is operated primarily for religious purposes and which is operated, supervised, controlled or principally supported by a church or convention or association of churches; or

b. By a duly ordained, commissioned or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

c. Except as provided in subdivision (7) of subsection (a) of section 25-4-8:

1. Prior to January 1, 1978, in the employ of a school which is not an institution of higher education;

2. After December 31, 1977, in the employ of a governmental entity referred to in paragraph b of subdivision (2) of subsection (a) of this section, if such service is performed by an individual in the exercise of duties:

(i) As an elected official;

(ii) As a member of a legislative body, or a member of the judiciary of this state or any of its political subdivisions;

(iii) As a member of the State National Guard or Air National Guard;

(iv) As an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency (this exclusion does not apply to permanent employees whose usual responsibilities include emergency situations);

(v) In a position which, under or pursuant to the laws of this state, is designated as a major nontenured policymaking or advisory position or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than 8 hours per week; or

d. In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work; or

e. As part of an unemployment work relief or work training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training; or

f. For a hospital in a state prison or other state correctional institution prior to January 1, 1978, by an inmate of the prison or correctional institution and, after December 31, 1977, by an inmate of a custodial or penal institution.

(22) Services performed by an individual as a qualified real estate agent. For the purposes of this chapter the term "qualified real estate agent" shall mean an individual who is a sales person if:

a. Such individual is a licensed real estate agent; and

b. Substantially all of the remuneration for services performed as a real estate agent (whether or not paid in cash) is directly related to sales or other output (including the performance of services), rather than the number of hours worked, and

c. The services performed by the individual are performed pursuant to a written contract between such individual and the person for whom the services are performed and such contract provides that the individual will not be treated as an employee with respect to such services for federal tax purposes.

(23) Services performed by an individual as a direct seller. For the purposes of this chapter the term "direct seller" shall mean any individual who:

a. Is engaged in the trade or business of selling (or soliciting the sale of) consumer products to any buyer on a:

1. Buy-sell basis, or

2. Deposit-commission basis, or

3. Any similar basis which the U.S. secretary of the treasury prescribes by regulations, for resale (by the buyer or any other individual), in the home or otherwise than in a permanent retail establishment; or

b. Is engaged in the trade or business of selling (or soliciting the sale of) consumer products to a consumer in the home or otherwise than in a permanent retail establishment, and

c. Substantially all of the remuneration for the services performed by such individual as a direct seller (whether or not paid in cash) is directly related to sales or output (including the performance of services) rather than to the number of hours worked, and

d. The services performed by such individual are performed pursuant to a written contract between such individual and the person for whom the services are performed and such contract provides that the individual will not be treated as an employee with respect to such services for federal tax purposes.

(c) "Institution of higher education," for the purposes of this chapter, means an educational institution which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) Is legally authorized in this state to provide a program of education beyond high school;

(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, or a program of postgraduate or postdoctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation.

(d) For the purposes of this chapter the term "educational institution" means an educational institution (including an institution of higher education as defined in subsection (c) of this section) in which:

(1) Participants, trainees or students are offered an organized course of study or training designed to transfer to them knowledge, skills, information,

doctrines, attitudes or abilities from, by or under the guidance of an instructor(s) or teacher(s).

(2) It is approved, licensed or issued a permit to operate as a school by the state department of education or other government agency that is authorized within the state to approve, license or issue a permit for the operation of a school.

(3) The courses of study or training which it offers may be academic, technical, trade, or preparation for gainful employment in a recognized occupation, as opposed to study or training in the social graces or skills or whose primary purpose is to provide baby sitting or day care services although some learning activities may be included.

In any particular case, the question of whether or not an institution is an educational institution (other than an institution of higher education) within the meaning of the criteria described above will depend on what that particular institution actually does.

(e) "Hospital" means an institution which has been licensed, certified or approved by the state board of health or the state board of mental health as a hospital or a similar institution operated by the state or any of its political subdivisions or by an instrumentality of either of the foregoing.

(f) If the services performed during one half or more of any pay period by an employee for the employing unit employing him constitute employment, all of the services of such employee for such period shall be deemed to be employment, but if the services performed during more than one half of any such pay period by an employee for the employing unit employing him do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in this subsection the term "pay period" means a period (of not more than 31 consecutive days) for which a payment or remuneration is ordinarily made to the employee by the employing unit employing him."

Committee on State Development
and Tourism.

POINT OF PERSONAL PRIVILEGE

At 12:25 P.M., Senator Bishop requested that the Journal show that he asked for a quorum call at three different times today, and was not recognized for that purpose.

QUORUM CALL

At 12:30 P.M., Senator Bishop requested that the President and Presiding Officer ascertain the presence of a quorum.

Upon a call of the roll, the following Senators responded to their names:

Senators:	Denton	Goodwin	Parsons
Bailey	Dial	Hale	Preuitt
Bedsole	Dixon	Hilliard	Rice
Bishop	Ellis	Holmes	Smith (B)
Cabaniss	Foshee	Mitchem	Smith (J)
deGraffenried			

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REPORTS OF COMMITTEES

Senator deGraffenried, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had

acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Foshee, Holmes, Denton, Goodwin, Menton, Drinkard, Langford, Campbell, Bishop, deGraffenried, Parsons, Corbett, Bennett, Horn, Manley, Figures, Hilliard, Covington, Bailey, Dial, Smith (J), Ellis, and Sanders:

S. 484. To amend Title 23, Code of Alabama 1975, so as to provide for the creation and establishment of a State Highway Commission. To define and provide for the appointment, qualifications, duties, compensation and terms of the members of the State Highway Commission. To further define and provide for the office of State Highway Director, to establish for the appointment, qualifications, duties, term and compensation of the State Highway Director. To create and establish the office of Deputy Highway Director. To define and provide the appointment, qualifications, duties and compensation of the Deputy Highway Director. To provide that the State Highway Commission shall be vested with the control and supervision of the State Highway Department. To amend Sections 23-1-20, 23-1-21, 23-1-22, 23-1-32, 23-1-35, 23-1-37, 23-1-40, 23-1-41, 23-1-42, 23-1-54, 23-1-55, 23-1-58, 23-1-61, 23-1-156, 23-1-157, 23-1-158, 23-1-170, 23-1-176, 23-1-178, 23-1-300, 23-1-302, 23-1-303, 23-1-305, 23-1-310, 23-1-313, 23-1-317, 23-2-143, 23-2-144, 23-2-161, 23-6-2, 23-6-3, 23-6-4, 23-6-6, 23-6-8, 23-6-9, Code of Alabama 1975; to provide for the duties and responsibilities of the state highway commission. To amend Sections 23-1-150, 23-1-151, 23-1-152, 23-1-154, Code of Alabama 1975, to provide for the makeup of the Alabama highway authority. To amend Sections 23-1-171, 23-1-172, 23-1-174, 23-1-177, Code of Alabama 1975, to provide for the makeup and duties of the Alabama highway finance authority. To amend Sections 23-1-300, 23-1-302, 23-1-303, 23-1-305, Code of Alabama 1975, to provide for the makeup and duties of the Federal Aid Highway Finance Authority. To further amend Sections 9-6A-8, 32-5A-171, 32-5A-172, 32-5A-173, 32-5A-174, 32-9-1, 33-16-9, 33-16-10, 33-17-9, 33-17-10, 40-17-78, 40-17-224, 41-4-16, Code of Alabama 1975. To provide further for the duties and responsibilities of the members of the state highway commission. To further amend Sections 8-17-91 and 40-12-270, Code of Alabama 1975, so as to provide for the appointment of the members of the secondary road committee and further for the duties of the state highway commission. To further amend Section 29-2-4, Code of Alabama 1975, so as to further provide for the duties of the Permanent Joint Legislative Highway Committee.

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Rep. Adams:

H. 94. To amend Sections 27-3-28, 27-7-1, 27-7-2, 27-7-3, 27-7-4, 27-7-5, 27-7-6, 27-7-7, 27-7-8, 27-7-9, 27-7-10, 27-7-11, 27-7-13, 27-7-14, 27-7-16, 27-7-17, 27-7-18, 27-7-19, 27-7-28, 27-7-29, 27-7-30, 27-7-31, 27-7-33, 27-7-34 and to repeal Section 27-7-26 of the Code of Alabama 1975, relating to property, casualty and surety insurance representatives and exceptions to execution of contracts through a countersigning resident agent so as to further regulate such representatives, to allow certain insurance agencies to be licensed and to provide further for such exceptions.

By Rep. Johnson (RW):

H. 203. To amend Sections 34-36-3, 34-36-4, 34-36-6 and 34-36-13 relating to electrical contractors, so as to authorize the board of electrical contractors to regulate and license certain master and journeyman electricians and to contract for an executive secretary.

By Senators Ellis, Bedsole, Dial, Hand, and Denton:

S. 158. To amend Section 9-11-45, Code of Alabama 1975, relating to a special license to hunt deer or turkey on state operated wildlife management areas, so as to provide for and increase the nonresident license fee.

By Senator Figures:

S. 100. To provide that the Judicial Inquiry Commission's investigative and litigation costs shall be paid out of the funds appropriated annually to the court costs fund or funds; and to provide for repayment of any refunded or recaptured amounts to the court cost fund or general fund.

By Senators Bedsole and Dixon:

S. 313. To amend Section 15-10-3, Code of Alabama 1975, which provides the circumstances under which a law enforcement officer may arrest without a warrant, so as to provide that a law enforcement officer may arrest without a warrant in certain domestic abuse cases and when an officer has reasonable grounds to believe that a warrant for the person's arrest has been issued in this state.

RESOLUTIONS

Senator Goodwin offered the following Senate Resolution, to-wit:

S. R. 106. COMMENDING PAUL JOHNSON FOR OUTSTANDING SERVICE AS GOVERNOR OF THE ALABAMA DISTRICT OF CIRCLE K.

Which was filed.

Senator Dial offered the following Senate Resolution, to-wit:

S. R. 107. COMMENDING BUSTER LARRY ROBERTSON OF CRAGFORD, ALABAMA, ON HIS DISTINGUISHED MILITARY CAREER.

Which was filed.

ADJOURNMENT

At 12:50 P.M., on motion of Senator Bishop, in accordance with Motion heretofore adopted, the Senate adjourned until Tuesday, March 22, 1988, at 2 o'clock P.M.

Yeas 13; Nays 12.

Yeas:

Senators:	Covington	Hale	Manley	
Bedford	Figures	Hand	Parsons	
Bennett	Foshee	Langford	Pruitt	
Bishop	Goodwin			—13

Nays:

Senators:	deGraffenried	Dixon	Rice	
Bailey	Denton	Ellis	Smith (B)	
Bedsole	Dial	Menton	Smith (J)	
Cabaniss				—12

FOURTEENTH LEGISLATIVE DAY

TUESDAY, MARCH 22, 1988

The Senate met pursuant to adjournment, President Pro Tempore deGraffenried presiding.

PRAYER

The Session was opened with prayer by the Reverend Eddie Newton, Minister of Christian Education, Woodley Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Jody Abfalter, Lee High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Figures	Menton
Amari	Corbett	Foshee	Mitchem
Bailey	Covington	Goodwin	Parsons
Barron	deGraffenried	Hale	Preuitt
Bedford	Denton	Hand	Rice
Bedsole	Dial	Hilliard	Sanders
Bennett	Dixon	Holmes	Smith (B)
Bishop	Drinkard	Langford	Smith (J)
Cabaniss	Ellis	Manley	

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JOURNAL

On motion of Senator Corbett, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Thirteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Thirteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Corbett, leave of absence was granted Senator Horn for today.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 108. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fourteenth legislative day of the 1988 Regular Session only:

Inst Id	Page
S. 326	17
Parolees, violation of parole, time for holding without warrant extended, Sec. 15-22-31 am'd.	
S. 306	11
Liquefied Petroleum Gas Bd., further regulated Secs. 9-17-100, 9-17-101, 9-17-102, 9-17-104 thru 9-17-109 am'd.	
S. 97	12
Public school systems, personnel vacancy notice to be posted.	
S. 7	8
Highway Dept. self-insurance program fund, funds transferred from St. Road and Bridge Fund.	
S. 66	8
Banking, bank trust depts. auth. to list trust funds as pledge of assets for security, Sec. 5-5A-28 am'd.	
S. 128	6
Municipalities estab. self-funded liability insurance for protection for member municipalities.	
S. 47	15
Pipeline facilities transporting hazardous liquids facilities used in the liquefaction of natural gas, Public Service Commission to reg.	
H. 193	23
Physicians, out of state, auth. to practice temporarily, Sec. 34-24-74 am'd.	
S. 330	40
Caves, regulation, liability and exemptions, pollution and vandalism penalties.	
H. 417	37
Linked deposits, 1988 Wallace plan created, low-cost loans to agriculture and business, st. treasurer to admin.	
S. 428	44
Alabama Water Supply Authority, estab.	

On motion of Senator Drinkard, the Resolution was adopted by the Senate.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Denton:

S. 528. To amend Section 27-5-12, Code of Alabama 1975, to increase and redefine those types of reinsuring entities for which insurers will be allowed credit for reinsurance ceded.

Committee on Banking and Insurance.

By Senator Denton:

S. 529. To propose an amendment to the Constitution of Alabama of 1901, as amended, which relates to the authority of the Alabama music hall of fame board to constitute an authority to issue general obligation bonds for capital outlay purposes and for the purposes for which it was created and to prescribe the powers thereof; to provide for the operation of the board as such authority, the allocation and expenditure of funds; to provide for exemptions from any and all taxes of any nature whatsoever; to provide that in the event appropriations, current revenues or bond proceeds are insufficient to cover costs, the state of Alabama shall pledge its full faith and credit; to provide that the legislature may enact subsequent legislation relating to said music hall supplemental to this amendment or in furtherance of the purposes and objectives of the provisions not in conflict herewith; and to provide that this amendment shall be self-executing when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of Alabama of 1901, as amended.

Committee on State Development
and Tourism.

The above Bill was read a first time at length as required by the Constitution.

By Senator Drinkard:

S. 530. To provide for mandatory testing for Acquired Immune Deficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) infection of persons arrested for certain sex related offenses.

Committee on Health.

By Senator Barron (With Notice and Proof):

S. 531. Relating to DeKalb County; providing for an advisory referendum on the question of electing the county commissioners and the members of the county board of education from defined districts.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 531, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Ellis:

S. 532. To amend Section 40-23-35 of the Code of Alabama 1975, relating to the disposition of revenues from certain taxes, so as to provide that sales tax revenues payable to the department of human resources for the administration of a food stamp program shall be made based upon the value of food stamp benefits in coupons, cash or otherwise.

Committee on Finance and Taxation.

By Senator Ellis:

S. 533. To provide further for the revision of eminent domain laws of this state by amending sections 18-1A-24, 18-1A-30, 18-1A-70, 18-1A-74, 18-1A-110, 18-1A-194, 18-1A-211, and 18-1A-276 of the Code of Alabama 1975 to make clarifying amendments to the sections.

Committee on Judiciary.

By Senators Cabaniss, Rice, Dial, Bennett, Barron, and Hale:

S. 534. To provide the procedure under which a molder may dispose of molds, dies or patterns used for pouring plastic or casting metal absent a written agreement.

Committee on Judiciary.

By Senator Parsons (With Notice and Proof):

S. 535. Relating to Jefferson County; to define Peace Officers Occupation Diseases, and to provide that certain governing bodies and pension systems shall pay certain benefits to eligible employees.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 535, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bennett (With Notice and Proof):

S. 536. Relating to Jefferson County; authorizing the Director of Revenue, Commissioner of Licenses or License Inspector to issue boat licenses by mail and to allow an additional issuance fee to cover the expense of mailing such licenses.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 536, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator deGraffenried:

S. 537. To direct the Department of Human Resources to establish and administer a welfare employment program; to prescribe the intent; to provide goals and mandates of such program; to provide areas for funding; to require certain applicants for and recipients of public assistance to participate in

the employment program; to require annual reports to certain committees of the Alabama legislature; and to repeal Sections 38-11-1 through 38-11-12 of the Code of Alabama 1975 relating to an Alabama human resources board and public works program for certain persons on public assistance.

Committee on Governmental Affairs.

By Senator deGraffenried:

S. 538. To provide for the organization of a public corporation in the state to be known as Alabama Mental Health Finance Authority; to designate the officers and members of the board of directors of the Authority; to prescribe the powers of the Authority, including the power to provide for the acquisition, construction, improvement and equipping of mental health facilities (including interests in land), consisting of mental health centers and facilities for the treatment and care of the mentally ill, mentally retarded, alcoholism or drug addiction and to finance such construction by the issuance of its bonds; to provide that such bonds and the income therefrom shall be exempt from all taxation, and that such bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies and for investment of trust funds, and shall not create an obligation or debt of the state; to provide that all bonds issued by the Authority may thereafter be refunded by the issuance of refunding bonds; to permit the establishment of trust funds in connection with such refunding bonds; to provide for the disposition of bond proceeds not used to acquire mental health facilities; to provide for the disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of that portion of the proceeds from the special tax levied by Sections 40-25-2 and 40-25-41 of the Code of Alabama 1975, that is required to be distributed to the Authority by the provisions of an act adopted at the 1988 Regular Session of the Legislature of Alabama that was introduced as ____ Bill No. ____, to the extent necessary to pay the principal of and the interest on bonds of the Authority as such principal and interest mature; to authorize the Authority to pledge such funds for payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from such funds, but that the said bonds will nevertheless constitute negotiable instruments; to provide that the state treasurer shall be custodian of the funds of the Authority; to provide for the dissolution of the Authority; and to repeal Act No. 277, adopted at the 1967 Regular Session of the Legislature of Alabama which provides for the Alabama Mental Health Building Authority.

Committee on State Development
and Tourism.

By Senator Sanders:

S. 539. To increase the number of trustees on the Board of Trustees of Selma University and provide for their appointment.

Committee on Governmental Affairs.

By Senator Sanders (With Notice and Proof):

S. 540. Relating to Lowndes County; to amend Act 87-620 (H. 1088) of the 1987 Regular Session, which provides for a gasoline and motor fuel tax, so as to provide that said tax shall be levied by the county commission and to grant authority for said levy.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 540, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Langford:

S. 541. To create the "Alabama Small and Disadvantaged Business Assistance Act of 1988"; provides definitions; creates a small and disadvantaged business advisory council within the department of finance; provides for an advocate; provides for a statewide contracts register; provides a penalty with respect to certain late payments by contractors to subcontractors and suppliers; directs the finance department to have reported from the state accounting system certain disbursements made to small businesses; requires agencies to consider the impact of certain actions under the Administrative Procedure Act upon small businesses; provides procedures; creates the Alabama disadvantaged business investment board; provides for an executive director and employees; provides powers; provides conditions for board action; creates the Alabama investment incentive trust fund; provides for Alabama guarantor funds; provides for capital participation instruments; provides for investments in capital participation instruments; provides for the powers of the division of purchasing of the finance department; provides for the certification of disadvantaged business enterprises; requires state agencies to utilize disadvantaged business enterprises; authorizes agencies to reserve certain competitive bid contracts for certified disadvantaged business enterprises; establishes the disadvantaged business enterprise assistance office within the department of finance; provides for agency disadvantaged enterprise assistance; provides that no surety bonds issued by certain insurers shall be refused under certain circumstances; and provides for penalties for violations of this act.

Committee on Finance and Taxation.

By Senator Corbett:

S. 542. To require every owner, editor, publisher and stockholder of any newspaper of daily circulation in the state to file a statement of economic interests with the state ethics commission.

Committee on Governmental Affairs.

By Senators Bedsole and Ellis:

S. 543. To amend Section 38-10-9, Code of Alabama 1975, relating to child support and the authority of the department of human resources to conduct investigations regarding financial ability of parents who owe child support, so as to further authorize the department to conduct investigations to locate absent parents; and to require private employers upon written request to furnish the department with certain information regarding a parent or putative parent in their employ.

Committee on Judiciary.

By Senators Bedsole and Ellis:

S. 544. To amend Section 38-2-6.1 of the Code of Alabama 1975, which relates to the office of state parent locator for the location of absent parents, so as to provide further for said office by providing the office with the authority to locate parents, putative parents, or children in cases of parental

kidnapping or child custody disputes; to provide that location information may be obtained from the Department of Revenue; and to provide that employers shall furnish the office with name, address, and employment information.

Committee on Judiciary.

By Senators Bedsole and Hilliard:

S. 545. To promote the free enterprise system in the retailing of alcoholic beverages; provide for the sale of alcoholic beverages by private businesses; provide for a two-year phase-out period of the retail facilities of the alcoholic beverage control board; provide for penalties for violations; and repeal conflicting statutes.

Committee on Finance and Taxation.

By Senator Bedsole (With Notice and Proof):

S. 546. Relating to Mobile County, providing further for the deposit of any interest on county funds.

Committee on Local Legislation No. 3.

I hereby certify that the notice and proof is attached to the Bill, S. B. 546, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Mitchem:

S. 547. To promote greater mission compatibility among state agencies by amending section 41-9-90.1, Code of Alabama 1975, relating to the state athletic commission, so as to transfer the clerical support function and joint responsibility of promulgating administrative rules and regulations of the commission from the department of revenue to the physical fitness commission; and to amend section 41-9-96, Code of Alabama 1975, relating to the collection of certain license and permit fees, so as to transfer the administration and collection of license and permit fees to the physical fitness commission.

Committee on Governmental Affairs.

By Senator Hilliard (With Notice and Proof):

S. 548. To amend Section 5 of Act No. 105, H. 24, 1971 3rd Special Session (Acts of Alabama 1971, p. 4325), so as to allow any municipality having a population of 300,000 inhabitants or more according to the last or any subsequent federal census (Birmingham, Alabama, in Jefferson County), and acting pursuant to the authority granted by said Act No. 105 of the 1971 3rd Special Session of the Alabama Legislature, to authorize private contractors, companies, enterprises or individuals to abate and remove public nuisances caused by noxious or dangerous weeds without requiring compliance with the competitive bid law.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 548, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hilliard:

S. 549. To provide for distinctive motor vehicle license plates for members of the Alabama Legislature and to provide for the design and issuance of the plates.

Committee on Commerce,
Transportation, and Utilities.

By Senators Langford and Dixon:

S. 550. To provide for a supplemental appropriation from the general fund to the Emergency Management Agency for the fiscal year ending September 30, 1988 to be used for Emergency Operations Center prototype development and construction.

Committee on Finance and Taxation.

MOTION IN WRITING

On motion of Senator Menton, the Rules were suspended to allow him to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 433, on page 51 of the 14th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 433, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Flowers:

H. J. R. 157. MOURNING THE DEATH OF CREEL RICHARDSON OF ARITON, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolution, H. J. R. 157, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Gray and White (F):

H. J. R. 162. MEMORIALIZING THE U. S. SUPREME COURT AND CONGRESS REGARDING ABUSE OF FIRST AMENDMENT RIGHTS.

WHEREAS, the Alabama Legislature takes note with sorrow of the U. S. Supreme Court's misinterpretation of the intent of the First Amendment to the U. S. Constitution granting freedom of speech wherein the said Supreme Court in their opinion of, to wit, February 24, 1988, condoned and actually encouraged the using of innuendos, half-truths and untruths as satire to assassinate the character of an individual regardless of whether in public or private life, in the case involving litigation between Hustler Magazine's Larry Flint and the Reverend Jerry Falwell; and

WHEREAS, it is the opinion of this Legislature that the ruling of the U. S. Supreme Court in the said Flint-Falwell case is a miscarriage of justice; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the U. S. Supreme Court is urged to reconsider and vacate the said opinion and ruling, and find for the Reverend Jerry Falwell.

BE IT FURTHER RESOLVED, That the Alabama Legislature does hereby urge Congress to pass an amendment to the First Amendment to the U. S. Constitution to set bounds to the said First Amendment so as to prohibit such abuse of "free speech" through character assassination, whether by satire or otherwise.

RESOLVED FURTHER, That copies of this resolution be sent to each Justice of the U. S. Supreme Court and to each member of the Alabama Congressional Delegation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 162, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. McDowell, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 206. MOURNING THE DEATH OF THOMAS WAYNE GLOOR OF BESSEMER, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolution, H. J. R. 206, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Harper:

H. J. R. 208. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, March 3, 1988, that we adjourn to meet again on Tuesday, March 8, 1988.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolution, H. J. R. 208, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Rains:

H. J. R. 205. CALLING UPON CERTAIN STATE MUNICIPALITIES TO MAINTAIN AN "AIDS-FREE HOSPITAL."

Also:

By Reps. Junkins and Bugg:

H. J. R. 207. COMMENDING THE ETOWAH COUNTY VOTERS LEAGUE FOR 50 YEARS OF SERVICE AND ASSISTANCE TO THE CITIZENS OF ETOWAH COUNTY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 205, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

On motion of Senator Manley, the Rules were suspended and the Resolution, H. J. R. 207, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Rains:

H. J. R. 204. COMMENDING HUMANITARIAN OF THE YEAR, OLIN C. HEARN, OF ALBERTVILLE, ALABAMA.

Also:

By Rep. Rains:

H. J. R. 203. CONGRATULATING MR. AND MRS. ROBERT PARRIS ON THE OCCASION OF THEIR 61ST WEDDING ANNIVERSARY.

Also:

By Rep. Moon:

H. J. R. 199. COMMENDING JOHN W. GOBER, JR., OF ARAB, ALABAMA, 1988 OUTSTANDING CITIZEN.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 204, 203, and 199, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Butler:

H. J. R. 176. CREATING A JOINT LEGISLATIVE COMMITTEE ON THE FUTURE OF ALABAMA AND IMPLOING SUCH COMMITTEE TO STUDY THE REPORT OF THE SOUTHERN GROWTH POLICIES BOARD ENTITLED "HALFWAY HOME AND A LONG WAY TO GO" AND TO RECOMMEND HOW THIS STATE SHOULD PARTICIPATE IN THE IMPLEMENTATION OF THE TEN REGIONAL OBJECTIVES OUTLINED IN SUCH REPORT.

WHEREAS, in November 1986, the Southern Growth Policies Board adopted the report of the commission on the Future of the South entitled "Halfway Home and a Long Way to Go" as an economic development blue print for southern states; and

WHEREAS, this eloquently written and thought provoking report authored by former Mississippi Governor William F. Winter culminated a year of dedicated study by a distinguished panel of twenty southern leaders assembled by said board's Chairman, Governor Bill Clinton of Arkansas; and

WHEREAS, this compelling public policy document contains TEN REGIONAL OBJECTIVES for the South to work for between 1986 and 1992, at which time the next commission on the Future of the South will be assembled to examine the condition of the region and to set new objectives; and

WHEREAS, these TEN REGIONAL OBJECTIVES ARE:

Provide a Nationally Competitive Education for All Southern Students by 1992;

Mobilize Resources to Eliminate Adult Functional Illiteracy by 1992;

Prepare a Flexible, Globally Competitive Work Force by 1992;

Strengthen Society as a Whole by Strengthening At-Risk Families by 1992;

Increase the Economic Development Role of Higher Education by 1992;

Increase the South's Capacity to Generate and Use Technology by 1992;

Implement New Economic Development Strategies Aimed at Home-Grown Business and Industry by 1992;

Enhance the South's Natural and Cultural Resources by 1992;

Develop Pragmatic Leaders with a Global Vision by 1992;

Improve the Structure and Performance of State and Local Governments by 1992; and

WHEREAS, legislative involvement is the key to implementing the TEN REGIONAL OBJECTIVES contained in "Halfway Home and a Long Way To Go"; now therefore,

BE IT RESOLVED, That there is hereby created and established "THE JOINT LEGISLATIVE COMMITTEE ON THE FUTURE OF ALABAMA" to be composed of five members of the House of Representatives appointed by the Speaker of the House and five members from the Senate appointed by the Lieutenant Governor; and such Joint Committee shall function as follows:

(a) Such committee shall have its organizational meeting within ten days of the effective date of this resolution at which meeting it shall select a chairperson and vice-chairperson; thereafter, such committee shall meet on call of its chairperson;

(b) each committee member shall thoroughly review the aforementioned "Halfway Home" report;

(c) said Joint Committee shall encourage each member of each standing committee in the legislature to likewise review such report;

(d) during the 1988 Regular Session, each standing committee in both the House and the Senate shall devote at least one hour to a public round table discussion of this report;

(e) during such round table discussions, committee clerks shall record recommendations and suggestions relating to such report which shall be forwarded to said Joint Legislative Committee;

(f) such recommendations and suggestions shall be evaluated by said Joint Legislative Committee which shall formulate its recommendations for legislation relative to these Ten Regional Objectives and issue its report on same to both the Legislature and the Governor no later than the fifth legislative day of the 1989 Regular Session;

(g) members of said Joint Legislative Committee shall be entitled to their regular legislative compensation and per diem on such committee's meeting days and such committee shall not expend more than \$10,000 in carrying out its functions;

(h) the Clerk of the House and the Secretary of the Senate shall furnish such supplies and clerical assistance as may be necessary, from time to time, for such Joint Committee to administer its functions.

BE IT FURTHER RESOLVED, That we urge and implore the Governor and each member of the Cabinet to study and examine "Halfway Home and a Long Way To Go" and to forward their recommendations concerning same to the Joint Legislative Committee on the Future of Alabama and we also urge and implore each member of said Joint Committee to seek input relative to the implementation of these ten regional objectives from representatives of industry, education and grass roots organizations in this state.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 176, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 53. HONORING WILLIAM WALLACE GROSS OF SCOTTSBORO, ALABAMA.

Also:

H. J. R. 87. COMMENDING THE UNIVERSITY OF ALABAMA IN HUNTSVILLE ON ITS HIGH NATIONAL RANKING AS THE TOP SCHOOL IN THE SOUTH IN SCIENCE AND TECHNOLOGY EDUCATION.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

RESOLUTION

Senators Smith (J), Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuit, Rice, Sanders, and Smith (B) offered the following Senate Joint Resolution, to-wit:

S. J. R. 109. MOURNING THE DEATH OF MARIE KENDALL CLARK OF EUFAULA, ALABAMA.

WHEREAS, it is with deep sadness and in relentless grief that the Legislature of Alabama records the death of Marie Kendall Clark of Eufaula, Alabama, on March 15, 1988, at the age of 65 years; and

WHEREAS, a native and lifelong resident of Eufaula, Mrs. Clark attended Brenau College, graduated from the University of Missouri and was a member of Alpha Delta Pi; and

WHEREAS, Mrs. Clark was the beloved wife of our colleague, House Speaker Jimmy Clark, and through this association we were privileged to know "Miss Marie" as a personal friend whom we held in great affection and regard; and

WHEREAS, Mrs. Marie Clark, although ever supportive of her husband's public career, enjoyed recognition in her own right as one of Eufaula's most prominent community leaders; and

WHEREAS, in addition to her role of devoted wife and mother and her responsibilities as a homemaker, Mrs. Clark was a sustainer and stalwart of the First United Methodist Church of Eufaula where she was a Sunday School teacher and a leader in youth activities and other church affairs; she also was active on the conference level and had served as chairperson of the Committee on the Status and Role of Women for the Alabama-West Florida United Methodist Conference; and

WHEREAS, Mrs. Clark, among other activities, was a member of the Eufaula Country Club's Women's Golf Association and the Pierian Literary Club, and was a staunch supporter of the annual Eufaula Pilgrimage, AARP and the Barbour County Association for Retarded Citizens; and

WHEREAS, she further championed the cause of women and children who were victims of abuse, extending her involvement beyond local bounds to include the advocacy of the House of Ruth in Dothan, a shelter for battered wives and children; and

WHEREAS, Marie Kendall Clark was indeed a very warm and gracious lady who lived in concern for family, friends and fellowman, and the lives of us all are infinitely better for her presence among us; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Marie Kendall Clark of Eufaula, Alabama, and extend our most heartfelt sympathy to her husband, Jimmy Clark; to her children, James S. Clark, Jr., William H. Clark and Kendall Clark Powers; to her granddaughter, Jennie Powers; and to other family members, whose sorrow also is ours and for whom copies of this resolution shall be provided.

On motion of Senator Smith (J), the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Junkins:

H. J. R. 228. TO HELP KEEP ALABAMA BEAUTIFUL BY REMOVING TRASH FROM ALABAMA HIGHWAYS AND STREETS USING, WHERE POSSIBLE PRISON LABOR AND BY PLANTING CRIMSON CLOVER.

WHEREAS, Alabama's beauty is one of our major attractions to those who live here and there who come to Alabama as visitors or tourists; and

WHEREAS, Alabama has many indigenous flowers and trees which add to its beauty and which should be maintained, preserved and protected; and

WHEREAS, Alabama once had beautiful crimson clover lining many of our streets, county roads and state highways as well as the interstate system running throughout Alabama; and

WHEREAS, such crimson clover not only added charm and beauty to our state but also lessened the need for mowing and herbicide spraying; and

WHEREAS, the State Highway Department has sprayed herbicide along our roadsides which have killed the crimson clover and many of our native flowers and trees; and

WHEREAS, such spraying has proven not only to be an eyesore which has blackened and darkened Alabama's roadsides and highways but also killed catfish, poultry and livestock, costing the citizens of the state thousands of dollars through awards made by the State Board of Adjustment to those citizens injured or damaged by the spraying of poisons by the Highway Department; and

WHEREAS, the Attorney General has informed the Highway Department that such continued use could subject the state to substantial liability; and

WHEREAS, many of Alabama's streets, roads and highways and state parks are littered with trash, bottles and cans which create an unfavorable impression of our state; and

WHEREAS, every Alabamian is encouraged to do his part to minimize unsightly litter and trash along our roadways and in our state parks in order to keep Alabama beautiful; and

WHEREAS, city, county and state prisoners are available for use by their respective governmental authorities for cleaning up litter and trash along roadways and in state parks, as well as spreading new crimson clover seeds along the right of way of Alabama's streets, roads and highways.

NOW THEREFORE BE IT HEREBY RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, that the Highway Department be directed to stop using poisons on our highways and to start using prisoners to clean up trash and litter along Alabama roads and in state parks, working in conjunction with the State Department of Corrections, sheriffs and municipal officials, to replant crimson clover and

to encourage our citizens to help keep Alabama beautiful by placing additional "Help Keep Alabama Beautiful" signs in rural areas throughout the state.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 228, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Turnham, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 222. COMMENDING JAMES G. SASSER, PRESIDENT OF ALABAMA AVIATION AND TECHNICAL COLLEGE, OZARK, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolution, H. J. R. 222, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Blake:

H. J. R. 214. COMMENDING BETTY TURNER OF PELL CITY, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE AND ACHIEVEMENT.

Also:

By Rep. Blake:

H. J. R. 215. COMMENDING THE PELL CITY HIGH SCHOOL LADY PANTHERS ON THEIR STATE 5A BASKETBALL CHAMPIONSHIP.

Also:

By Rep. White (L):

H. J. R. 217. COMMENDING GRAHAM HUDSON AND CLEATUS LEDFORD FOR OUTSTANDING ACCOMPLISHMENT.

Also:

By Rep. Logan:

H. J. R. 219. COMMENDING CLAY DYER OF HAMILTON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 214, 215, 217, and 219, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Rains:

H. J. R. 119. CREATING A JOINT LEGISLATIVE COMMITTEE ON THE ISSUE OF THE HOMELESS IN ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative committee to study the issue of the homeless in Alabama. The committee shall be composed of seven members, four members of the House of Representatives and three members of the Senate, to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the plight of homeless persons in the State. The committee shall meet with members of the Salvation Army and other organizations that provide assistance to those persons and shall receive recommendations from said groups.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1989 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel

expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$5,000.00.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 119, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. White (F) and Johnson (RW):

H. J. R. 26. REPEALING ACT NO. 302, HJR 227, 1976, REGULAR SESSION, WHICH PETITIONED THE CONGRESS OF THE UNITED STATES TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION REQUIRING THAT FEDERAL SPENDING NOT EXCEED ESTIMATED FEDERAL REVENUES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 302, HJR 227, 1976, Regular Session, is hereby repealed.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 26, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Blake:

H. J. R. 216. URGING THE MEMBERS OF THE UNITED STATES SENATE AND THE UNITED STATES HOUSE OF REPRESENTATIVES FROM THE STATE OF ALABAMA TO SUPPORT LEGISLATION EXCLUDING THE MOVING OF GARBAGE FROM ONE STATE TO ANOTHER FROM THE INTERSTATE COMMERCE ACT.

WHEREAS, the Federal Court has recently ruled that garbage taken from one state to another falls within the realm of the Interstate Commerce Act and the states are therefore exempt from passing legislation affecting garbage passing to and across the state; and

WHEREAS, the effect of this decision would make some states garbage disposals for other states and would affect the health and welfare of the people, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the members of the United States Senate and the United States House of Representatives from the State of Alabama be requested and urged to support legislation that would exclude garbage moved from one state to another from the Interstate Commerce Act, thus permitting the states to enact proper legislation to control garbage that is to be delivered or passed through individual states.

BE IT FURTHER RESOLVED, that a copy of this resolution be delivered forthwith to the United States Senate and Congressional delegations of the State of Alabama that they may know of our concern and intent.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 216, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

H. J. R. 212. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Wednesday, March 9, 1988, that we adjourn to meet again on Thursday, March 10, 1988. When we adjourn on Thursday, March 10, 1988, we adjourn to meet again on Tuesday, March 22, 1988.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolution, H. J. R. 212, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Freeman, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke,

Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 168. COMMENDING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FOR THEIR VISION AND LEADERSHIP AND CONGRATULATING THE BOEING COMPANY ON THEIR ROLES IN DEVELOPING AMERICA'S SPACE STATION.

Also:

By Reps. Perdue, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 170. MOURNING THE DEATH OF MRS. DOROTHY T. SPEARS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 168, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

On motion of Senator Manley, the Rules were suspended and the Resolution, H. J. R. 170, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. White (L):

H. J. R. 169. DESIGNATING 1989 AS "THE YEAR OF THE YOUNG READER" IN THE STATE OF ALABAMA.

Also:

By Rep. Headley:

H. J. R. 172. DESIGNATING PORTIONS OF STATE HIGHWAY 5 AND STATE HIGHWAY 25, IN BIBB COUNTY, ALABAMA, THE VIETNAM VETERANS MEMORIAL HIGHWAY.

Also:

By Reps. Blake, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 173. MOURNING THE DEATH OF HOWARD EUBANKS OF PELL CITY, ALABAMA.

Also:

By Rep. Marks:

H. J. R. 174. COMMENDING ROBERT RUSSELL CLARK FOR 41 YEARS OF DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 169, 173, and 174, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

The Resolution, H. J. R. 172, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Harper and Turnham:

H. 134. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1989.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 134—to the Committee on Finance and Taxation

MOTION TO ADJOURN

Senator Manley moved that when the Senate adjourns today, it adjourn to meet again on Thursday, March 24, 1988, at 10 o'clock A.M., which motion was adopted.

MESSAGE FROM THE GOVERNOR

To The Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I transmit herewith to you a message from the Governor, returning Senate Bill No. 125, without the Governor's signature and approval, but with the following veto message.

Done this 8th day of March, 1988.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Lady and Gentlemen:

I am returning to you, the body in which it originated, Senate Bill No. 125 without my signature and approval.

After reviewing this bill relating to an error in Act No. 87-554, I find that it was a companion bill to House Bill No. 99, which is a bill that passed in this legislative session and has been signed by me (Act No. 88-78).

The sponsors of both bills have been contacted by representatives of the Alabama Development Office, and I understand they have no objections to the veto of Senate Bill No. 125.

For the foregoing reasons, I hereby veto Senate Bill No. 125.

Done this 8th day of March, 1988.

Respectfully,

GUY HUNT,
Governor.

GOVERNOR'S MESSAGE

On motion of Senator Manley, the Senate sustained the veto of His Excellency, the Governor, to the Bill:

S. 125. To amend Act No. 87-554 enacted at the 1987 Regular Session of the Legislature of Alabama so as to insert in Subsection (1)b1(viii) thereof the appropriate reference to Act No. 87-550.

by a vote of

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Menton
Amari	Dial	Hand	Mitchem
Bennett	Dixon	Hilliard	Parsons
Cabaniss	Drinkard	Langford	Smith (B)
Corbett	Foshee	Manley	Smith (J)
Covington			

—20

Nays: —0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Army National Guard.

Respectfully submitted,
JAMES F. REDDOCH, JR.,
Executive Secretary.

Done this 8th day of March, 1988.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Brigadier General, Line, Jerry N. Gurley to the position of Surgeon, Medical Corps, Alabama Army National Guard.

Respectfully submitted,
GUY HUNT,
Governor.

Done this 8th day of March, 1988.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the position of Surgeon, Medical Corps, Alabama Army National Guard, was read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Drinkard (With Substitute):

S. 285. To require that any person, firm or corporation engaging in the business of manufacturing, installing, repairing, cleaning, disposing of onsite sewage system contents, or maintaining onsite sewage disposal systems shall obtain a certificate of competency to engage in such activities from the state health department; to require testing through the county health department; to require bonding and licensing of onsite sewage disposal system manufacturers, installers, repairers, cleaners or maintainers and to require testing and fees; to require testing, issuing and annual licensing fees to be established by the State Board of Health; to require the payment of testing fees to the county board of health and to require the payment of licensing fees to the State Board of Health; to authorize rules for the administration and enforcement of this Act; and to provide for penalties for the violation of this Act and rules promulgated under authority of this Act.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. McKee, Mikell, Blakeney, Headley, Payne, Wright, Butler, Marks, Venable, Carter, Junkins, and Hamilton:

H. 172. To provide that a contract for surrogate motherhood shall be absolutely null, void, and unenforceable as contrary to public policy.

Senator Barron, Deputy Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator Horn (With Substitute) (With Amendments):

S. 231. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State and for interest on the public debt for the fiscal year ending September 30, 1989.

Senator Barron, Deputy Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Bedford, Amari, Bennett, and Corbett (With Substitute):

S. 4. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1989.

Senator Barron, Deputy Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Dial, Barron, Rice, and Ellis:

S. 189. To amend section 32-6-272, Code of Alabama 1975, relating to the issuance of license plates to fire fighters, so as to authorize the issuance of said plates at reduced cost to the recipient.

By Senator Horn:

S. 216. To make an appropriation from the State General Fund to the Civil Air Patrol-Alabama Wing for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

By Senator Horn:

S. 229. To make an appropriation from the Alabama Special Educational Trust Fund to the East Alabama Child Development Center for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

By Senator Bishop:

S. 305. To make an appropriation from the State General Fund to the Beacon House-Jasper for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

By Senator Horn:

S. 227. To make an appropriation from the Alabama Special Educational Trust Fund and the State General Fund for the fiscal year 1988-89, for the use of a sickle cell education program, and to require an operations plan and audited financial statement prior to release of any funds.

By Senator Horn:

S. 217. To make an appropriation from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama and the United Cerebral Palsy Development Center for East Central Alabama and from the State General Fund for the Simpson-May Cerebral Palsy Center for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

By Senator Horn:

S. 220. To make an appropriation from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

By Senator Figures:

S. 402. To create an additional circuit judgeship in the Thirteenth Judicial Circuit and provide certain appropriations.

By Senator Goodwin:

S. 486. To amend Section 15-9-62 of the Code of Alabama 1975, relating to payment of expenses of returning accused to Alabama so as to provide for state per diem and actual expenses incurred.

Senator Barron, Deputy Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Barron and Dial (With Substitute):

S. 490. To make a certain appropriation from the state general fund to the department of finance for the Retired Senior Volunteer Program for the fiscal year ending September 30, 1988, and to require an operations plan prior to release of any funds.

Senator Amari, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Bedford and Bennett:

S. 27. To establish a limit per each calendar year on the quantity of hazardous waste which may be accepted for storage, treatment, or disposal in this state at commercial hazardous waste facilities; to authorize the Alabama Department of Environmental Management to impose monthly limits on the amount of hazardous waste accepted for storage, treatment, or disposal at each commercial hazardous waste facility and to require of each commercial hazardous waste facility a monthly report that accurately states the total amount, in weight, of hazardous waste accepted by said facility during the preceding month; to provide the Alabama Department of Environmental Management with authority to seek appropriate civil and/or criminal penalties against any person or commercial hazardous waste facility which violates the provisions of this act, or any rule, regulation, standard, permit provision, or order promulgated or issued pursuant to this act by the Alabama Department of Environmental Management.

Senator Preuit, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Cabaniss (With Substitute):

S. 33. To establish the Alabama Uniform Arbitration Act; to amend section 8-1-41, Code of Alabama 1975, to provide further for enforcement of certain obligations; to validate voluntary written agreements to arbitrate, including those found in labor-management contracts; to provide measures to meet various contingencies that may arise in the arbitration process; to permit the enforcement of agreements to arbitrate by a simple judicial proceeding, and by a similar proceeding; to permit the reduction of an arbitration award to an enforceable judgment; to provide for penalties; and to repeal sections 6-6-1 through 6-6-16, Code of Alabama 1975, which relate to arbitration.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hale:

S. 234. To repeal Sections 12-19-130, 12-19-131, 12-19-132, 12-19-133, 12-19-134, 12-19-137, and 12-19-138, Code of Alabama 1975, which provide for the payment of witness fees in civil cases in district and circuit courts, establishing the manner of computations, collections, and disbursement of such fees; to repeal Sections 12-19-135 and 12-19-136 relating to witness fees in probate courts; and to further repeal all other provisions of law authorizing the payment of witness fees for witnesses in the circuit, district, and probate courts of the State of Alabama.

By Senator Hale:

S. 236. To amend Sections 32-1-4 and 32-5-310, Code of Alabama 1975, relating to the arrest of traffic offenders to include municipal ordinance violations; to eliminate the requirement that persons placed under custodial arrest are entitled to an immediate hearing before a magistrate; to provide that law enforcement officers may release any person charged with a minor traffic offense upon that person signing the Uniform Traffic Ticket and Complaint promising to appear in court at the designated time; to eliminate the acceptance or approval of bonds by arresting officers, but such provision shall not prohibit sheriffs or their deputies from approving bonds where otherwise authorized by law; to provide that law enforcement officers may place any traffic offender under custodial arrest if he refuses to sign the traffic ticket or has an outstanding warrant of arrest against him returnable to any court of this state; to provide that in certain offenses custodial arrest is authorized in order to assure that sufficient bond is given; to designate judicial officers who are authorized to set and approve bail, including acceptance of cash bonds; and to further provide for the arrest and establish additional penalties for offenders who fail to appear in court as ordered.

By Senator Hale:

S. 237. To amend Section 12-12-52, Code of Alabama 1975, so as to delete the requirement of a mandatory court appearance for traffic offenders previously convicted of two or more traffic violations in the preceding twelve months.

By Senator Hale:

S. 238. To amend section 12-11-30, Code of Alabama 1975, relating to the civil, jurisdiction and the criminal contempt power of circuit courts to increase the penalties which may be imposed by circuit courts and, pursuant to §12-12-6, district courts to a fine of not more than \$2,000 and/or imprisonment not exceeding 30 days and to amend the jurisdiction of circuit courts to authorize the exercise of civil jurisdiction concurrent with the district court in any action in which the matter in controversy exceeds \$1,000, exclusive of interest and costs.

By Senator Hale:

S. 239. To amend Sections 12-16-8 and 12-16-8.1, Code of Alabama 1975, which sections relate to juries and jurors to further provide for the compensation to which employees are entitled when summoned to jury service;

to provide for a statement of attendance; to further provide for the wrongful discharge of persons summoned for jury service; and to amend Section 12-19-210, Code of Alabama 1975, so as to abolish the \$.05 per mile mileage allowance for persons traveling to and from court for each day's jury service and to increase the expense allowance from \$10.00 to \$12.00 for each day's service.

By Senator Hale:

S. 240. To amend Section 15-16-20, Code of Alabama 1975, so as to provide that any person, other than a minor, who is confined in jail awaiting trial for a criminal offense is entitled to a sanity investigation if he or she appears to be insane, and to further provide that such investigation shall be instituted by the judge of the circuit or district court of the county where the person is confined.

By Senator Hale:

S. 241. To amend Section 6-6-43, Code of Alabama 1975, to provide that only circuit, district, and probate judges may issue writs of attachment and to further provide that any writs of attachment issued by such judges may be executed in any county of the state.

By Senators Langford and Dixon:

S. 357. Relating to deputy circuit clerks; to repeal Section 17-2-8, Code of Alabama 1975, which provides for the election of deputy circuit clerks in counties having more than 5 circuit judges; repealing Section 12-17-99, Code of Alabama 1975, which relates to the supplemental salary of elected deputy circuit clerks.

By Senator Goodwin:

S. 359. To amend section 36-21-9 of the Code of Alabama 1975, which provides for a card authorizing an honorably retired law enforcement officer to carry a handgun so as to change the issuance of the card from an annual to a permanent basis.

By Senator Dial:

S. 366. To establish in the eighteenth judicial circuit an eastern division to consist of Clay and Coosa Counties and a western division to consist of Shelby County; to designate the circuit judgeships to first serve each such division; to provide thereafter that one circuit judge shall reside in the eastern division and two circuit judges shall reside in the western division; to provide that all three circuit judges will be elected within the circuit at large; and to provide an effective date.

Senator Preuit, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Preuit, Sanders, and Campbell (With Amendment):

S. 405. To establish the Alabama criminal justice system council on crime and punishment; to provide for the membership on the council; to prescribe the duties and authority of the council; and to provide an effective date.

Senator Preuit, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills

and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Mitchem:

S. 419. Further providing for service charges of worthless checks for restitution and in the criminal procedure from crimes relating to worthless checks or negotiating a worthless negotiable instrument and notice, so as to increase such charges; amending Section 12-17-224, Code of Alabama 1975, as amended by Act No. 87-565, S. 319, Regular Session 1987, relating to restitution process and service charges for worthless checks; amending Section 13A-9-13.1, Code of Alabama 1975, as amended, relating to the crime of negotiating a worthless negotiable instrument and service charges, and Section 13A-9-13.2, Code of Alabama 1975, as amended, relating to notice of such crime and service charges, so as to increase such service charges.

By Senator Figures:

S. 426. To define the crime of juror harassment; to prescribe for criminal felony punishment.

By Senators Bedsole, Bennett, and Dial:

S. 443. To amend Section 15-23-3, Code of Alabama, 1975, to increase the expenses related to funeral, cremation or burial, payable to the Alabama Crime Victims Compensation Commission to victims of violent crime to the amount of \$3,000.00 and Section 15-23-5, Code of Alabama, 1975, to authorize the Executive Director of the Alabama Crime Victims Compensation Commission to pass upon all supplemental applications for compensation in an amount not to exceed \$1,000.00 and to pass upon all original applications for claims in an amount not to exceed \$500.00; and Section 15-23-15, Code of Alabama, 1975, to increase the compensation payable to a victim and to all other claimants by the Alabama Crime Victims Compensation Commission to the amount of \$25,000.00 in the aggregate and to increase the present value of all future economic loss to an amount not to exceed \$2,000.00.

By Senators Cabaniss and Bennett:

S. 446. To permit an authorizing subdivision to exercise police powers on airport authority property; and to amend Section 4-3-47, Code of Alabama 1975, as amended, which pertains to the powers of an airport authority, to provide that jurisdiction over misdemeanors committed on the property of an airport authority shall be vested in the courts of any municipality that is an authorizing subdivision when no county is an authorizing subdivision.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Cabaniss and Ellis (With Substitute):

S. 487. To amend Sections 14-10-1 and 14-10-2, Code of Alabama 1975, relating to the discharge of state inmates, so as to allow the department of corrections to establish reasonable regulations determining those state convicts who shall receive discharge benefits, to change the definition of the clothing issue, to limit the application of the discharge benefit to once per offense, to allow state inmates to waive discharge benefits and to provide for documentation for identification.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Johnson (RG), Haynes, and Carothers:

H. 313. To amend Section 12-15-34, Code of Alabama 1975, so as to provide that a child 14 or more years of age may be transferred by the juvenile court for criminal prosecution as an adult for any crime; to provide that the finding of probable cause at the transfer hearing in the juvenile court shall preclude a further probable cause hearing in the criminal court; to provide that the criminal court may exercise any authority over the child, once transferred, that is otherwise applicable to adult offenders; to provide that transfer to the criminal court and conviction therein terminates jurisdiction of the juvenile court over such child with respect to any pending or subsequent criminal acts; to amend the definition of "delinquent act" found in Section 12-15-1 so as to exclude criminal acts committed by a child who has previously been transferred for criminal prosecution and convicted as provided in Section 12-15-34; to amend Section 12-15-33 so as to preclude the possibility of transfer to the juvenile court of a criminal case against a child who has been previously transferred for criminal prosecution and convicted as provided in Section 12-15-34; and, to provide an effective date.

By Senators Cabaniss and Ellis:

S. 488. To establish an Alabama Men's Hall of Fame; to prescribe its purposes and membership; to provide for election of members and officers and for holding of meetings; and to repeal Sections 41-9-850 through 41-9-853, Code of Alabama 1975.

By Rep. Campbell:

H. 117. To amend Alabama Code Sections 43-8-40 and 43-8-70 to clarify the meaning of "estate" of a surviving spouse.

By Rep. Campbell:

H. 116. To revise the law on powers contained in mortgages on real estate and to provide: definitions; foreclosure by power of sale; minimum standards for notice of sale; method of conducting foreclosure by power of sale; and successive sales under power permitted. This Act applies only to mortgages, defined herein, executed on or after the effective date of this Act which is January 1, 1989.

By Rep. Campbell:

H. 113. To authorize (and in certain circumstances to require) a fiduciary to make certain elections or to divide or keep separate a trust or estate in light of the generation-skipping transfer tax, to be effective with respect to transfers in trust, and decedents dying, on and after January 1, 1987.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Campbell (With Substitute):

H. 114. To revise the law on redemption of real estate and provide: definitions; who may redeem and priorities; to extend rights under this bill

to executors and administrators; to characterize the rights of redemption under this bill; demand for statement of debt and lawful charges by person entitled to redeem; payment or tender of purchaser money and other lawful charges, with interest; payment of value of permanent improvements and how the value of improvements are ascertained; provisions for when there is a failure or refusal of a purchaser to recover title; the settlement and adjustment of rights and equities by a circuit court when a complaint is filed; and when a right to redeem does not exist. This act applies only to mortgages foreclosed on or after the effective date of this Act which is January 1, 1989. The bill further repeals Alabama Code Sections 6-5-230 through 6-5-246 as amended.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Walker:

H. 34. To further provide for the civil procedures, exemptions, and remedies, from certain levies and sales under process, and garnishment proceedings and garnishment maximums; to further amend and provide for: Section 6-10-6 relating to personal property exemptions from certain levies and sales, so as to exclude wages, salaries or other compensation; Section 6-10-37 relating to the garnishment of money, choses in action or personal property, so as to prescribe that the maximum of such amounts shall be those provided by the Constitution or federal laws; and Section 5-19-15 relating to the allowable maximum garnishment, so as to conform the basis to that of federal law.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Goodwin:

S. 11. To amend Section 28-3A-11 of the Code of Alabama 1975, relating to lounge retail liquor license so as to create a separation of package retail liquor license from the lounge retail liquor license.

By Senators Dixon, Langford, and Hand:

S. 156. Relating to the state employees' retirement system; to provide that any active state employee who stands for election to the board of control shall be vested under the retirement system.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Rice (With Amendment):

S. 266. Establishing a communications bureau within the data systems management division of the department of finance; providing for the acquisition of telecommunications equipment, systems and related services on

behalf of state agencies; prescribing procedures for such acquisition; authorizing the promulgation of rules and regulations; and prescribing powers and duties.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 267. To authorize the Attorney General to employ investigators outside of the Alabama State Merit System to investigate matters related to controlled substances; to provide that investigators for the Office of Attorney General when duly appointed and designated by the Attorney General to be engaged in investigations related to controlled substances shall have the powers of peace officers, including arrest powers; and to provide that investigators so employed and designated must meet minimum standards requirements.

By Senator Barron:

S. 420. To amend Sections 22-5-2 and 22-5-5, Code of Alabama 1975, relating to the state commission on physical fitness, so as to rename said commission and provide further for its role and duties relative to certain events.

By Senator Parsons:

S. 423. To provide that the alcoholic beverage control board shall promulgate rules and regulations to require that certain alcoholic beverages contain a label of warning.

By Rep. Breedlove:

H. 27. To provide for the creation, appointment, organization, operation, meetings and continuance of the St. Stephens Historical Commission; to provide for acquiring, constructing, establishing, maintaining and promoting certain properties and structures of historical interest and functional utility at St. Stephens, in the vicinity of the site of the first territorial capital of Alabama; to provide for financial cooperation with other public or private agencies and historical organizations; and to provide for the employment of personnel.

By Senator Denton:

S. 515. To provide that any Class 7 municipality presently operating under a commission form of government with commissioners elected at large and which at large system has been held to be in violation of the federal Voting Rights Act by a court of law may, by an ordinance duly adopted not less than three months prior to the regular municipal election, adopt a mayor-council form of government with the mayor elected at large and a five-member council elected from single-member districts; to divide the municipality into five single-member districts; to provide residency requirements for candidates seeking election to the council from said districts; to provide that candidates for council members may be elected by only the electors of the district they wish to represent; to describe the territory composing each district with the boundary lines being the centerline of streets as other well-defined boundaries; and to provide that such municipalities shall thereafter

be governed by a mayor-council form of government with the same powers and duties as other mayor-council municipalities organized under Title 11 of the Code of Alabama 1975.

By Senator Denton:

S. 514. To provide that any Class 8 municipality presently operating under a commission form of government with commissioners elected at large and which at large system has been held to be in violation of the federal Voting Rights Act by a court of law may, by an ordinance duly adopted not less than three months prior to the regular municipal election, adopt a mayor-council form of government with the mayor elected at large and a five-member council elected from single-member districts; to divide the municipality into five single-member districts; to provide residency requirements for candidates seeking election to the council from said districts; to provide that candidates for council members may be elected by only the electors of the district they wish to represent; to describe the territory composing each district with the boundary lines being the centerline of streets as other well-defined boundaries; and to provide that such municipalities shall thereafter be governed by a mayor-council form of government with the same powers and duties as other mayor-council municipalities organized under Title 11 of the Code of Alabama 1975.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Barron and Amari (With Substitute) (With Amendment):

S. 465. To add to the powers of the State Industrial Development Authority by amending existing statutes governing the State Industrial Development Authority at Sections 41-10-20, 41-10-26, and 41-20-27, so as to authorize grants for infrastructures, to provide for matching grants and to permit contributions toward such grants, to permit adoption of guidelines for grants, and to set limits and conditions for the issuance of bonds; to make legislative findings with respect to the need for additional powers of the State Industrial Development Authority; to provide definitions of certain terms; to grant additional powers to the Authority, including the power to issue notes, bonds and other forms of obligations for the purpose of financing industrial and commercial projects; to provide for the source of payment and security for such obligations; to provide for the means of execution of such obligations and for general provisions respecting the form, interest rate, maturity, sale and negotiability of such obligations; to declare that obligations of the Authority shall be legal investments; to provide for the use and disposition of the proceeds from the sale of obligations of the Authority and the revenues and receipts derived from project financings; to permit the issuance of refunding obligations; to provide for the publication of notice for the purpose of validating obligations of the Authority; to provide that the Authority, all income and property of the Authority and obligations issued by the Authority shall be exempt from taxation in the State of Alabama; to provide for exemptions from the usury and interest laws and the competitive bid laws of the State of Alabama; to provide that the Authority shall be free from the supervision and control of the State, except that the Authority shall be subject to audit by the Examiners of Public Accounts; to provide that the earnings of the Authority shall not inure to the benefit of any individual, firm or corporation; to expand further the

powers of the Authority by providing for a method of allocating the "state ceiling" and authorizing the Authority to provide for the method of filing applications for allocations of a portion of the "State ceiling" made by the Authority applicable to tax-exempt bonds; to establish expiration and reversion dates for allocations of "State ceiling" and conditions subsequent to such allocations; to allocate the entire "State ceiling" to the State, subject to redistribution by the Authority; to reserve certain portions of the "State ceiling" for the use and benefit of Alabama Housing Finance Authority and Alabama Higher Education Loan Corporation; to provide for the allocation of portions of the "State ceiling" to issuers of small issue bonds for manufacturing facilities and for exempt facility bonds and for the allocation of a portion of the "State ceiling" at the discretion of the Authority; to impose certain limitations upon allocations made by the Authority to local issuers of affected bonds; to provide a procedure for carryforward allocations; and to designate the President of the Authority as the State official authorized to make certain certifications required under the Internal Revenue Code of 1986, as amended.

Senator Rice, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Rice:

S. 504. To amend further Section 28-3A-25, Code of Alabama 1975, relating to unlawful acts under the alcoholic beverage licensing code, so as to proscribe unlawful acts and provide for the punishment therefor; to proscribe certain other unlawful acts and to provide punishment for furnishing alcoholic beverages to a minor, for a minor purchasing or possessing alcoholic beverages, or for a minor using false, fictitious, altered or forged identification or the identification of another person for the purpose of purchasing or acquiring alcoholic beverages, or for any person to use a false, fictitious, altered or forged license or identification or the license or identification of another person for the purpose of purchasing or acquiring alcoholic beverages; to proscribe and provide punishment for other unlawful acts by the board, by certain persons and licensees and by collectors of tax, and for delivering alcoholic beverages from without Alabama to anyone within the state except to the board or licensees; for offering, giving, accepting or receiving anything of value, including any premium, present, refund or rebate to induce the purchase of alcoholic beverages; and to make certain clarifications and corrections, including grammatical changes, to consolidate, and to include local governing bodies, payment, collection and reporting of taxes to local governing bodies and elections called by local governing bodies within the purview of certain unlawful acts; and to repeal §§ 28-1-4, 28-3-19 and 28-3-192, Code of Alabama 1975, relating to unlawful acts which are included in this act, and all conflicting laws.

By Senator Rice:

S. 505. To provide that the alcoholic beverage control board shall under certain conditions audit and collect certain taxes on beer or table wine levied for the benefit of local governing bodies.

By Rep. Walker:

H. 32. To amend section 23-1-241, Code of Alabama 1975, relating to the "Highway Beautification Act—Junkyard Control," so as to include household furniture, household appliances and used automobile tires in the definition of junk and to clarify the definition of director.

By Senator Corbett:

S. 441. To provide that any adult may, without payment of tax, produce limited amounts of beer and wine for personal or family use and not for sale.

Senator Holmes, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford:

S. 501. To amend Sections 34-33-1, 34-33-2, 34-33-3, 34-33-4, 34-33-5, 34-33-6 and 34-33-10 of the Code of Alabama 1975, relating to fire protection sprinkler systems, so as to redefine such systems and to further regulate the fire protection sprinkler system business in this state.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. White (L) (With Notice and Proof) (With Amendment):

H. 142. Relating to Tallapoosa County; replacing the probate judge as chairman of the county commission and providing for each member of the county commission to serve as chairman on a rotational basis.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. White (L) (With Notice and Proof):

H. 143. Relating to Tallapoosa County; providing for an advisory referendum on the question of whether the members of the county commission shall serve on a full-time or part-time basis commencing with their next terms of office.

By Rep. White (L) (With Notice and Proof):

H. 144. Relating to Tallapoosa County; requiring the county commission to offer for public auction to the highest bidder for cash surplus county property; providing that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Tallapoosa County; providing that the first publication of said notice shall be 20 days before the said auction; providing a procedure for the conduct of said auction; and providing that all proceeds from the sale of said property shall be paid into the general fund of the county.

By Rep. White (L) (With Notice and Proof):

H. 437. Relating to Tallapoosa County; providing for the mode of construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county commission to employ and regulate the compensation of a county engineer;

providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county commission in relation to the roads, highways, bridges and ferries of Tallapoosa County; prohibiting the performance of certain work on private property; providing civil fines for violations; and providing for an effective date.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Zoghby, Harper, Kennedy, Buskey (JE), Marietta, Box, and Clark (W)
(With Notice and Proof) (With Amendment):

H. 553. Relating to Mobile County; providing that the county commission or other like governing body of such county shall have the power to levy and collect additional privilege license taxes, excise taxes, alcoholic beverage taxes, ad valorem taxes, and sales and use taxes, subject to any limitation of the Constitution of Alabama or of any general law of this state; providing that any such tax levied by said governing body shall become law either with or without a referendum in the sole discretion of said governing body; providing for the disposition of the proceeds of such taxes; and repealing conflicting laws.

Senator Barron, Deputy Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Smith (J), Corbett, Bailey, Bedford, Sanders, Bishop, Dixon, Holmes, Horn, Langford, Mitchem, Drinkard, Denton, Rice, Parsons, Bedsole, Menton, Ellis, Bennett, Goodwin, Dial, Hale, Campbell, Figures, Amari, Foshee, and Preuit (With Substitute):

S. 232. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1989.

RESOLUTIONS

Senators Bennett, Drinkard, Ellis, Dial, Bedsole, Amari, Bailey, Barron, Bedford, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dixon, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuit, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Joint Resolution, to-wit:

S. J. R. 110. EXPRESSING LEGISLATIVE CONCERN WITH OUT-OF-STATE HOUSEHOLD GARBAGE.

WHEREAS, the people of Alabama are understandably upset over the prospect of thousands of tons of out-of-state garbage being dumped in Alabama; and

WHEREAS, a New Jersey firm has already begun sending train cars of trash to a landfill in St. Clair County; and

WHEREAS, officials of the Department of Environmental Management predict it is only the "beginning of a deluge" from northeastern states; and

WHEREAS, ADEM warns that 40% of Alabama's sanitary landfills will be exhausted in five years just taking care of our own state's garbage; and

WHEREAS, Federal Judge Robert Propst has ruled under current regulations, out-of-state garbage has "an open door" to Alabama, but added that the laws on the subject are lacking and the situation "begs" for a solution; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express our deep concern over the influx of out-of-state garbage into the state; and

BE IT FURTHER RESOLVED, That the Department of Environmental Management be urged to take all legal steps possible to be sure that the public health of Alabama citizens is protected.

On motion of Senator Bennett, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Bedsole offered the following Senate Joint Resolution, to-wit:

S. J. R. 111. COMMENDING LOUCRETIA HOLLINGSWORTH FOR DISTINGUISHED SERVICE TO THE GIRL SCOUT PROGRAM.

WHEREAS, Loucretia Hollingsworth has been involved with Girl Scouting for the past 27 years, serving as a representative voice at all levels and, most particularly, for the Deep South Girl Scout Council comprised of the seven Alabama Counties of Baldwin, Clarke, Conecuh, Escambia, Mobile, Monroe and Washington; and

WHEREAS, Ms. Hollingsworth, who has served as a member of the Board of Directors of the Deep South Girl Scout Council since 1975, has served as president of the board for the past seven and one-half years, during which tenure she has led the Council through a planning process which has assured its future financial security; and

WHEREAS, also during Ms. Hollingsworth's presidency, approximately 48,000 girls have been members of the Deep South Council; and

WHEREAS, Loucretia Hollingsworth, in further involvement, was an elected delegate to the National Girl Scout Conventions in 1981, 1984 and 1987, and she has shared with others her experiences and skills of many years through training courses on the state and national levels, and has contributed as a member of task groups to write instructional materials for boards of directors of Girl Scout Councils throughout the United States; and

WHEREAS, in recognition of her deep and ongoing commitment and service to the Girl Scout program, Ms. Hollingsworth was awarded Girl Scouting's highest award, the Thanks Badge, for "Outstanding volunteer service beyond the call of duty"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Loucretia Hollingsworth for distinguished service to the Girl Scout program, and do further direct that she receive a copy of this resolution of sincere praise and esteem.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Sanders offered the following Senate Resolutions, to-wit:

S. R. 112. CONGRATULATING SUNSHINE HIGH SCHOOL ON ITS OUTSTANDING BASKETBALL SEASON.

Also:

S. R. 113. CONGRATULATING THE FRANCIS MARION HIGH SCHOOL RAMS AS ALABAMA'S STATE 2A BASKETBALL CHAMPIONS.

Also:

S. R. 114. COMMENDING THE SUMTER COUNTY HIGH SCHOOL WILDCATS ON THE 1988 STATE 4A BASKETBALL CHAMPIONSHIP.

Which were filed.

Senators Parsons and Bishop offered the following Senate Joint Resolution, to-wit:

S. J. R. 115. DESIGNATING A PORTION OF HIGHWAY 78 IN JEFFERSON COUNTY, ALABAMA, AS THE "FRANK ROGERS HIGHWAY."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That that portion of U. S. Highway 78 in Jefferson County, Alabama, from the Walker County line to its point of intersection with I-59 in Birmingham, Alabama, is hereby named and designated as the "Frank Rogers Highway."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers designating said highway portion as the "Frank Rogers Highway."

Which was read and referred to the Standing Committee on Rules.

Senator Dial offered the following Senate Resolution, to-wit:

S. R. 116. COMMENDING THE GREATER VALLEY AREA CHAMBER OF COMMERCE FOR OUTSTANDING SERVICE TO COMMUNITY AND STATE.

Which was filed.

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 117. MOURNING THE DEATH OF JESSE R. BROOKS OF HUNTSVILLE, ALABAMA.

Also:

S. R. 118. COMMENDING MARY L. HAND OF ATHENS, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Which were filed.

Senator Amari offered the following Senate Resolution, to-wit:

S. R. 119. COMMENDING DR. LAWTON EDWARD KISER, JR.

Which was filed.

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 120. COMMENDING LOIS WALKER COATES FOR OUTSTANDING COMMUNITY SERVICE.

Also:

S. R. 121. COMMENDING BINFORD TURNER OF THE RIPLEY COMMUNITY, LIMESTONE COUNTY, ALABAMA, FOR DISTINGUISHED SERVICE TO THE LIMESTONE COUNTY WATER DEPARTMENT.

Which were filed.

Senators Covington, Dial, and Manley offered the following Senate Joint Resolution, to-wit:

S. J. R. 122. NAMING THE JAMES G. SASSER BUILDING, ON THE CAMPUS OF THE ALABAMA AVIATION AND TECHNICAL COLLEGE, OZARK, ALABAMA.

WHEREAS, the Alabama Aviation and Technical College, Ozark, Alabama, has experienced unusual and outstanding success and expanded accomplishments in providing for post-secondary education and technical training in Alabama; and

WHEREAS, James G. Sasser, former member of the House of Representatives and our colleague and friend, has provided the leadership in bringing the institution to its most successful accomplishments as Dean of Academic Instruction and as President; and

WHEREAS, Mr. Sasser is retiring on April 1, 1988, after a distinguished career in the Legislature and in college administration, and in earlier years as teacher and coach, and he has worked tirelessly for higher educational standards for the betterment of all our students; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the "Cafetorium-Luncheon Building" located on the Alabama Aviation and Technical College is hereby designated and shall be known as the "James G. Sasser Building," in grateful appreciation for the many accomplishments of our friend and colleague, Mr. James G. Sasser.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mr. Sasser and the Board of Trustees of the Alabama Aviation and Technical College, Ozark, Alabama, as a token of our appreciation, high esteem, and best wishes on his retirement.

On motion of Senator Manley, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Rice offered the following Senate Joint Resolution, to-wit:

S. J. R. 123. COMMENDING THE AUBURN HIGH SCHOOL CONCERT BAND FOR DISTINGUISHED ACHIEVEMENT.

WHEREAS, it is with great personal pride that the Legislature of Alabama congratulates the Auburn High School Concert Band as the recipient of the John Philip Sousa Foundation's "Sudler Flag of Honor," the nation's most prestigious award for high school concert bands; and

WHEREAS, we further note that the Auburn High School Band was one of only two bands in the entire United States selected for this outstanding honor, and is one of only twenty-one bands to have received the Flag of Honor during the six years the awards program has been in operation; and

WHEREAS, the Sudler Flag of Honor Awards, made possible through the generosity of Mr. Louis Sudler, a nationally known patron of the arts, was initiated to identify, recognize and honor those high school band programs that have achieved and maintained high standards of excellence in concert activities over a period of several years; and

WHEREAS, Director Tommy Goff and his outstanding young student musicians, as recipients of the distinguished Sudler Award, have indeed brought great honor to their school and to the entire State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and as the recipient of the John Philip Sousa Foundation's Sudler Flag of Honor, we hereby commend the Auburn High School Concert Band, and do further direct that copies of this resolution be forwarded to Director Goff for presentation to the band and for appropriate school display.

On motion of Senator Rice, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION IN WRITING

Senator Dial offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 141, on page 46 of the 14th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 141, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BUDGET ISOLATION RESOLUTION

Senator Figures, B. I. R., S. B. 391, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Parsons
Amari	Corbett	Goodwin	Preuitt
Bailey	Covington	Hand	Rice
Barron	Denton	Holmes	Sanders
Bedsole	Dial	Langford	Smith (B)
Bishop	Dixon	Menton	Smith (J)
Cabaniss	Drinkard		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 391. Relating to Mobile County; providing that the county commission or other like governing body of such county shall have the power to levy and collect additional privilege license taxes, excise taxes, alcoholic beverage taxes, ad valorem taxes, and sales and use taxes, subject to any limitation of the Constitution of Alabama or of any general law of this state;

providing that any such tax levied by said governing body shall become law either with or without a referendum in the sole discretion of said governing body; providing for the disposition of the proceeds of such taxes; and repealing conflicting laws.

was taken up.

The Standing Committee on Local Legislation No. 3 reported the following amendment to the Bill, S. B. 391, to-wit:

AMENDMENT TO S. B. 391

Amend Senate Bill 391, page 1, lines 15 and 16 by striking the following:

“, alcoholic beverage taxes, ad valorem taxes,”

Further amend on page 1, lines 28 and 29 by striking the following:

“, ad valorem taxes, alcoholic beverage taxes,”

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Parsons	
Amari	Corbett	Goodwin	Preuitt	
Bailey	Covington	Hand	Rice	
Barron	Denton	Holmes	Sanders	
Bedsole	Dial	Langford	Smith (B)	
Bishop	Dixon	Menton	Smith (J)	
Cabaniss	Drinkard			—25

Nays: —0

And said Bill, S. B. 391, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 1.

Yeas:

Senators:	Campbell	Figures	Parsons	
Amari	Corbett	Goodwin	Preuitt	
Bailey	Covington	Hand	Rice	
Barron	Denton	Holmes	Sanders	
Bedsole	Dial	Langford	Smith (B)	
Bishop	Dixon	Manley	Smith (J)	
Cabaniss	Drinkard			—25

Nay: Senator Menton —1

BUDGET ISOLATION RESOLUTION

Senator Denton, B. I. R., S. B. 393, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Figures	Preuitt	
Bedsole	Denton	Hale	Rice	
Bennett	Dial	Hand	Smith (B)	
Cabaniss	Dixon	Manley	Smith (J)	
Campbell	Drinkard	Menton		—18
<i>Nays:</i>				—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 393. To amend Sections 34-8-1 and 34-8-7, Code of Alabama 1975, to include a swimming pool contractor in the definition of "general contractor" found within Title 34, Chapter 8, Code of Alabama 1975, and to exclude a swimming pool contractor from the exemptions found within Section 34-8-7, Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Menton	
Bailey	Denton	Hand	Preuitt	
Bedsole	Dial	Holmes	Sanders	
Cabaniss	Dixon	Langford	Smith (B)	
Campbell	Figures	Manley	Smith (J)	—19
<i>Nays:</i>				—0

BUDGET ISOLATION RESOLUTION

Senator Denton, B. I. R., S. B. 151, adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Denton	Foshee	Manley	
Bedsole	Dial	Hale	Menton	
Cabaniss	Dixon	Hand	Preuitt	
Campbell	Drinkard	Holmes	Sanders	
deGraffenried	Figures	Langford	Smith (B)	—19
<i>Nays:</i>				—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 151. To make further provisions for the issuance of obligations by Alabama Federal Aid Highway Finance Authority by amending Sections 23-1-300, 23-1-301, 23-1-306, 23-1-307, 23-1-313, 23-1-314, and 23-1-317, Code of Alabama 1975, so as to provide for the issuance and use of proceeds of

obligations of the Authority for the purpose of anticipating and providing for the federal share of the cost of replacing bridges on the state highway system; and to provide that pledges made of the proceeds from the taxes and fees referred to in this section shall, with respect to each obligation issued hereunder, be subject and subordinate to: (1) all pledges of the proceeds of the said taxes and fees lawfully made as security for any bonds issued prior to December 1, 1986, by the Authority; and (2) any refunding bonds that may be issued by the Authority after December 1, 1986, for the purpose of refunding any of the aforementioned bonds.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Pruitt	
Bailey	Dial	Hale	Rice	
Bedsole	Dixon	Holmes	Sanders	
Cabaniss	Drinkard	Manley	Smith (B)	
Campbell	Figures	Menton	Smith (J)	
deGraffenried	Foshee			—21
				—0

Nays:

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 157. MOURNING THE DEATH OF CREEL RICHARDSON OF ARITON, ALABAMA.

Also:

H. J. R. 199. COMMENDING JOHN W. GOBER, JR., OF ARAB, ALABAMA, 1988 OUTSTANDING CITIZEN.

Also:

H. J. R. 203. CONGRATULATING MR. AND MRS. ROBERT PARRIS ON THE OCCASION OF THEIR 61ST WEDDING ANNIVERSARY.

Also:

H. J. R. 204. COMMENDING HUMANITARIAN OF THE YEAR, OLIN C. HEARN, OF ALBERTVILLE, ALABAMA.

Also:

H. J. R. 206. MOURNING THE DEATH OF THOMAS WAYNE GLOOR OF BESSEMER, ALABAMA.

Also:

H. J. R. 207. COMMENDING THE ETOWAH COUNTY VOTERS LEAGUE FOR 50 YEARS OF SERVICE AND ASSISTANCE TO THE CITIZENS OF ETOWAH COUNTY.

Also:

H. J. R. 208. RELATIVE TO MEETING DAYS.

JOHN W. PEMBERTON,
Clerk.**SIGNING OF RESOLUTIONS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 295. To amend Sections 10-2A-70.1 and 10-2A-70.2, Code of Alabama 1975, which relate to giving aid or contributions to a political party or candidate; so as to allow corporations which own, control or operate a railroad to make certain political contributions.

was taken up.

On motion of Senator Manley, the Rules were suspended under the provisions of Senate Rule 14(4), and he was granted permission to take up the Bill, H. B. 431, in place of the Consent Calendar Bill, S. B. 295.

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., H. B. 431, adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	deGraffenried	Figures	Menton
Bailey	Denton	Foshee	Preuitt
Bedford	Dial	Hale	Sanders
Bedsole	Dixon	Hand	Smith (B)
Cabaniss	Drinkard	Manley	Smith (J)
Covington	Ellis		

—21

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 431. To amend Sections 10-2A-70.1 and 10-2A-70.2, Code of Alabama 1975, which relate to giving aid or contributions to a political party or candidate; so as to allow corporations which own, control or operate a railroad to make certain political contributions.

was read a third time at length and passed.

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Yeas 24; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Mitchem	
Bailey	Dial	Hale	Preuitt	
Bedford	Dixon	Hand	Rice	
Bedsole	Drinkard	Hilliard	Sanders	
Cabaniss	Ellis	Manley	Smith (B)	
Campbell	Figures	Menton	Smith (J)	
Covington				—24

Nays: —0

And on motion of Senator Manley, the Bill, S. B. 295, was returned to the end of the Regular Order Calendar.

RESOLUTION

Senator Bedford offered the following Senate Resolution, to-wit:

S. R. 124. COMMENDING THE LAWRENCE MILL BAND OF FAYETTE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Which was filed.

BUDGET ISOLATION RESOLUTION

Senator Cabaniss, B. I. R., S. B. 72, adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	deGraffenried	Hand	Preuitt	
Bedsole	Denton	Hilliard	Rice	
Cabaniss	Drinkard	Manley	Sanders	
Campbell	Figures	Menton	Smith (B)	
Covington	Hale	Mitchem	Smith (J)	—19

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 72. To limit the amount of bituminous plant mix which may be purchased or used on any highway construction project when the utilization or use of the bituminous plant mix will be or is accomplished by personnel of the highway department working on the project.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem	
Amari	deGraffenried	Hale	Preuitt	
Bailey	Denton	Hand	Rice	
Bedsole	Dial	Hilliard	Smith (B)	
Cabaniss	Drinkard	Manley	Smith (J)	
Campbell	Ellis	Menton		—22

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B. I. R., S. B. 329, adopted.

Yeas 23; Nays 1.

Yeas:

Senators:	deGraffenried	Goodwin	Mitchem	
Bailey	Denton	Hale	Preuitt	
Bedsole	Dial	Hand	Rice	
Cabaniss	Drinkard	Hilliard	Sanders	
Campbell	Ellis	Manley	Smith (B)	
Covington	Figures	Menton	Smith (J)	—23

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 329. To amend Sections 27-14-6, 27-15-5 and 27-15-19, Code of Alabama, 1975, the Alabama Insurance Code, to provide that a summary of an application may be attached to a life or disability insurance policy or an annuity contract and when a summary of the application is so attached the policy and summary shall constitute the entire contract between the parties.

was taken up.

On motion of Senator Smith (J), further consideration of the Bill, S. B. 329, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B. I. R., H. B. 481, adopted.

Yeas 18; Nays 1.

Yeas:

Senators:	deGraffenried	Hilliard	Rice	
Bedsole	Dial	Holmes	Sanders	
Cabaniss	Dixon	Manley	Smith (B)	
Campbell	Hale	Menton	Smith (J)	
Covington	Hand	Mitchem		—18

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 481. To amend Section 17-22-5 of the Code of Alabama 1975, relating to filing certain statements under the state corrupt practices statutes, so as to provide further for the candidates required to file such statements.

was read a third time at length and passed.

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Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Hand	Preuitt	
Amari	Dial	Hilliard	Rice	
Bedsole	Dixon	Manley	Smith (B)	
Campbell	Ellis	Menton	Smith (J)	
Covington	Goodwin	Mitchem		—18

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Brooks, Hettinger, Freeman, and Hall:

H. J. R. 270. COMMENDING THE GRISSOM HIGH SCHOOL BOYS BASKETBALL TEAM FOR ITS EXCELLENT SEASON AND STATE CHAMPIONSHIP TITLE.

Also:

By Rep. Black:

H. J. R. 271. COMMENDING LADY BIRD JOHNSON AND DESIGNATING APRIL 28, 1988, AS "LADY BIRD JOHNSON DAY" IN ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Smith (B), the Rules were suspended and the Resolution, H. J. R. 270, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

The Resolution, H. J. R. 271, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

BUDGET ISOLATION RESOLUTION

Senator Ellis, B. I. R., S. B. 159, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	Covington	Hand	Rice	
Barron	deGraffenried	Hilliard	Sanders	
Bedsole	Denton	Manley	Smith (B)	
Cabaniss	Dial	Menton	Smith (J)	
Campbell	Goodwin			—17

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 159. To further amend Section 36-27-51, Code of Alabama 1975, as amended, reopening the Employees' Retirement System of Alabama for certain municipal employees on a certain date, so as to add certain employees of political subdivisions thereof; to prescribe eligibility therefor and the payment for certain creditable service.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Ellis	Manley	
Amari	Denton	Goodwin	Menton	
Barron	Dial	Hale	Mitchem	
Bedsole	Dixon	Hilliard	Rice	
Cabaniss	Drinkard	Langford	Sanders	
Campbell				—20

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Ellis, B. I. R., S. B. 327, adopted.

Yeas 19; Nays 2.

Yeas:

Senators:	Denton	Goodwin	Mitchem	
Barron	Dial	Hale	Rice	
Cabaniss	Dixon	Hilliard	Sanders	
Campbell	Drinkard	Langford	Smith (B)	
deGraffenried	Ellis	Menton	Smith (J)	—19

Nays:

Senators	Amari	Covington	—2
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BILLS ON THIRD READING RESUMED**THE BILL:**

S. 327. To provide a comprehensive system of law applicable to all counties in this state defining the powers of any such counties to construct improvements or reimprovements consisting of streets or any portions thereof, sanitary sewers and sewer systems and water and gas mains and service connections, drainage improvements or drainage systems and the filling in of swamps or inundated or overflowed or submerged lands, ornamental lighting systems or white way systems of lighting and the construction, acquisition, improvement and extension of seawalls, dikes, levees and embankments in such counties; to provide a method for the assessment of the cost of any such improvement against the property abutting on, or drained, served, or benefited by such improvement; to require the adoption of a resolution describing the improvement and the property abutting on, or the area to be drained, served or benefited by such improvement; to require the filing of

plans and specifications for such improvement; to provide for publication and mailing of notice of the adoption of the said resolution; to provide for a public hearing on such improvement; to provide for payment of the cost of the improvement; to provide for the establishment of the grade of certain streets, avenues, alleys or sidewalks to be improved; to provide for public advertisement for bids for the construction of the improvement unless the county shall perform the work or provide materials from its own resources; to provide that the county commission must accept or reject work on the part of the county; to provide for supervision of the work; to provide for the levy of assessments on the property abutting on or drained, served or benefited by any improvement; to provide for the assessment against lands purchased by the state; to provide the manner of assessments generally; to provide for improvements of intersections of streets, avenues or other highways; to provide for sidewalk improvements; to provide for the preparation of a list of owners and parcels to be assessed, and publication of notice of such list; to provide for the entry of the list in an assessment book for local improvements; to provide for the delivery of the assessment book to the county clerk and the publication of notice as to delivery and inspection of such book; to provide for notice of hearing of objections; to provide for the contents of the notice as to the hearing on assessments for improvements; to provide for any defects or errors therein; to provide for the filing of written objections to assessments by property owners; to provide for a hearing on the proposed assessments and making the same final; to provide for the powers of the commission as to the subpoena of witnesses; to provide for the establishment of a lien on the property subject to the assessments and for the priority thereof; to provide for the reduction or abatement of certain assessment; to provide for procedures with respect to erroneous assessments and assessments in excess of benefits derived; to authorize the transfer and assignment of such liens, and for the enforcement thereof; to specify other provisions with respect to such liens; to provide for the effect of enforcement of tax liens upon property subject to assessment liens and the duration of assessment liens; to provide for the effect of sale of property for enforcement of an assessment lien upon other assessment liens upon the same property; to provide a system for appeals from the making of such final assessment; to provide for bond on appeal; to provide for entry on trial docket of appeal; to provide for the transcript for appeal; to provide for prima facie evidence on appeal; to provide for the conduct of appeal, right of jury trial and the entry of judgment and assessment of costs generally; to provide for the conduct of appeal, right of jury trial and the entry of judgment and assessment of costs generally; to provide for the entry of judgment for amounts properly chargeable against lands where the assessment is defective; to provide for appeals from the judgment of the circuit court; to provide for the addition of interest and damages upon affirmance of judgment for the county; to provide that the county may appeal from any judgments of the circuit court without giving bond; to provide for the issuance of execution and order of sale upon entry of final judgment in favor of the county; to provide a system for payment of all such assessments and for default in such payments; to provide for proceedings for sale of land upon failure of owner to pay assessment; to provide for the payment of assessments prior to sale; to provide that the costs of notice and sale are to be charged against the land; to provide for the execution of a deed to the purchaser at such sale; to provide for the effect of error and defect of notice of sale; to provide for the redemption of property after sale generally; to provide for the extension of the redemption period; to provide for the application for filing of certificate of warning to redeem upon the record of local improvement assessment sale deed; to provide for the mailing of copies of deed and certificate to persons last assessed

upon property described in deed by probate judge; to provide for the redemption of property during extended redemption period; to provide for the performance of duties of the probate judge; to provide for the redemption of property; to provide for the making of temporary loans or issuance of bonds before or during progress of work to pay for cost of improvement; to provide for the issuance of bonds after completion of work; to provide for the applicability of provisions of law as to issuance of county bonds generally; to provide for the issuance of bonds generally; to provide for the maturity and payments of such bonds; to provide for the disposition of proceeds from the sale of bonds; to provide for the grouping of improvements for the issuance of bonds; to provide for the maintenance and disposition of sinking fund accounts for bond issues; to provide for the bond of the officer charged with the collection of assessments; to provide for the redemption of bonds; to provide for the refunding of excess assessments; to provide a limitation period for presentation of claims and disposition of amounts not refunded; to provide for the settlement, adjustment or refunding of bonds; to provide for the consolidation of separate outstanding issues or issuance of refunding bonds; to provide for the maintenance and disposition of sinking fund accounts for refunding bond issues; to grant to any county the right of eminent domain with respect to improvements; to provide that this Act shall not affect the powers of counties to compel property owners to repair sidewalks; to provide for apportionment of assessments against property for public improvements among joint owners thereof; to provide for a petition of a tenant in common for division of an assessment among joint owners of property; to provide for a division of assessment among the tenants in common; to provide for a notice to property owners of division of assessment; to provide for appeals from division of assessment; to provide for correction of description of ownership of property and reduction of an assessment; to provide for the effect of reduction upon an assessment lien; to provide for the effect of annexation and incorporation of an area in which assessments have been made; to amend Section 11-28-3, Code of Alabama 1975, as amended, relating to the issuance of warrants by counties so as to provide for the pledge of assessments for the benefit of such warrants; to provide for severability of the provisions of this Act and for the repeal of inconsistent laws; and to establish the effective date of this Act.

was taken up.

Senator Ellis requested and received permission to suspend the Rules in order to offer the following amendment to the Bill, S. B. 327, to-wit:

AMENDMENT TO S. B. 327

Amend Senate Bill 327 on page 5, line 6 by inserting after words "division of" the word an

Further amend Senate Bill 327 on page 5, line 7 by inserting after words "division of" the word an

Further amend Senate Bill 327 on page 6, Section 4, line 16, after the word "the" by deleting the word filling and substituting in lieu thereof the word filling

Further amend Senate Bill 327 on page 21, Section 23, line 27, by deleting the number 23 and inserting in lieu thereof the number 21

Further amend Senate Bill 327 on page 43, Section 72, line 13, after the word "part" by deleting the word was and substituting in lieu thereof the word was

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Which was adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Denton	Hale	Mitchem	
Bedford	Dial	Hilliard	Rice	
Bedsole	Dixon	Langford	Sanders	
Cabaniss	Ellis	Manley	Smith (B)	
deGraffenried	Goodwin	Menton	Smith (J)	—19

Nays: —0

And said Bill, S. B. 327, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 23; Nays 1.

Yeas:

Senators:	Cabaniss	Ellis	Menton	
Amari	Campbell	Goodwin	Mitchem	
Bailey	deGraffenried	Hale	Rice	
Barron	Denton	Hilliard	Sanders	
Bedford	Dixon	Holmes	Smith (B)	
Bedsole	Drinkard	Langford	Smith (J)	—23

Nay: Senator Covington —1

FURTHER CONSIDERATION OF S. B. 329

The Senate proceeded to further consideration of the Bill, S. B. 329.

And said Bill, S. B. 329, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 1.

Yeas:

Senators:	Campbell	Figures	Menton	
Amari	Covington	Goodwin	Mitchem	
Bailey	deGraffenried	Hale	Rice	
Barron	Denton	Hand	Sanders	
Bedford	Dial	Hilliard	Smith (B)	
Bedsole	Ellis	Holmes	Smith (J)	
Cabaniss				—24

Nay: Senator Manley —1

BUDGET ISOLATION RESOLUTION

Senator Rice, B. I. R., H. B. 130, adopted.

Yeas 23; Nays 1.

Yeas:

Senators:	Covington	Goodwin	Menton	
Barron	deGraffenried	Hale	Mitchem	
Bedford	Denton	Hand	Preuitt	
Bedsole	Dial	Hilliard	Rice	
Cabaniss	Dixon	Langford	Sanders	
Campbell	Figures	Manley	Smith (B)	—23

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 130. To amend Section 32-6-150, Code of Alabama 1975, as amended, relating to the issuance and sale of commemorative license tags for Troy State University, so as to provide for such tags to be issued for each public four year college and university located in Alabama to provide for the application, sale, fees and disposition of net revenues generated therefrom; to provide for the design of such tags for such colleges and universities; deletes Section 32-6-152; amends Section 32-6-156; and to provide for an effective date.

was taken up.

Senator Rice requested and received permission to suspend the Rules in order that Senator Goodwin could offer the following amendment to the Bill, H. B. 130, to-wit:

AMENDMENT TO H. B. 130

Amend H. 130 as follows:

On page 1, line 17, after the word "public" insert the words:
and private

On page 2, line 8, between the words "public" and "four" insert the words:
and private

On motion of Senator Rice, further consideration of the Bill, H. B. 130, and pending amendment, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B. I. R., S. B. 310, adopted.

Yeas 24; Nays 1.

Yeas:

Senators:	deGraffenried	Figures	Manley
Barron	Denton	Goodwin	Menton
Bedford	Dial	Hale	Preuitt
Bedsole	Dixon	Hand	Rice
Cabaniss	Drinkard	Hilliard	Sanders
Campbell	Ellis	Langford	Smith (B)
Covington			

—24

Nay: Senator Amari

—1

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 310. To levy an assessment on forest lands for forest fire protection and prevention and to provide for penalties for violations.

was taken up.

The Standing Committee on Agriculture, Conservation, and Forestry reported the following substitute for the Bill, S. B. 310, to-wit:

SUBSTITUTE FOR S. B. 310

**A BILL
TO BE ENTITLED
AN ACT**

To levy an assessment on forest lands for forest fire protection and prevention and to provide for penalties for violations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The legislature hereby declares that the threat of a spread of wildfire in our forest lands is a matter of major concern. The purpose of this act, therefore, is to provide forestry assistance to and secure the protection from, and prevention of, forest fires. This act should be liberally construed to achieve these purposes.

Section 2. As used in this act, the following words shall have the meanings stated below, unless the context requires otherwise:

A. Commission. The Alabama Forestry Commission.

B. Forest Land. Any land which supports a forest growth or which is being used or reserved for any forest purpose and is classified as Class III forest property in Section 40-8-1(b)(3), Code of Alabama 1975, but excludes land within the city limit of any incorporated municipality.

C. Owner. Any person who is engaged in and has an economic risk in the business of producing or causing to be produced, for market, forest or timber products.

D. Person. Any individual, partnership, corporation, company, society, or association, or other business entity.

E. Lessee. Any person who leases land for a period over five years for the purpose of producing or causing to be produced, for market, forest or timber products.

Section 3. The forestry and fire prevention program provided for in this act shall be administered by the Alabama Forestry Commission. The Commission shall have the authority to adopt such rules and regulations as it deems necessary to effectuate the purposes of this act.

Section 4. There is hereby levied in this state a finance charge, fee or assessment on forest land owned or leased by any person. Proceeds generated in each county shall be earmarked for use in the respective county where raised to provide for forest fire protection and similar forestry services within the county.

Section 5. The charge, fee, or assessment will be levied and collected in the same manner as ad valorem taxes are levied and collected. All revenues or monies collected under the provisions of this act shall be distributed by the office of the county tax collector, or person charged with the collection of taxes, to the Commission. The first assessment and collection of the levy provided for herein shall be during and for the fiscal (tax) year beginning October 1 next following the satisfaction of all prerequisites required herein for imposition of the levy herein provided.

Section 6. a. The commission shall authorize a referendum among owners or lessees of forest land to determine whether an assessment shall be levied upon said owners or lessees to offset, in whole or in part, the cost of forestry and forest fire protection programs.

b. The assessment levied against each owner or lessee under this act shall be ten cents (\$.10) per acre of forest land owned.

c. All affected owners or lessees of forest land shall be entitled to vote in any such referendum. The Commission shall determine any questions of eligibility to vote and shall establish rules and regulations pertaining to the vote.

d. If a majority of those voting at the referendum vote in favor of the assessment, then the charge, fee or assessment shall be collected from the owners or lessees of forest land. The finance charge, fee or assessment levied by this act shall not be effective until a majority vote is obtained according to guidelines established by the Commission.

e. The finance charge, fee or assessment shall be due and payable at the same time as county ad valorem taxes. The assessments collected in each county under this act shall be promptly remitted to the Commission under such terms and conditions as the State Forester shall deem necessary to ensure that such assessments are used in a sound forestry program and for the prevention of and protection against forest fire.

f. With respect to any referendum conducted under the provisions of this act, the duly certified organization shall, not less than 30 days before the date of such referendum, publicly announce the date, hours, polling places and rules for voting in the referendum, the amount and basis of the assessment proposed to be collected, the means by which such assessment shall be collected, and the general purposes to which said amount so collected shall be expended and applied. Such notice shall be published by the certified organization through the medium of an established forestry publication and written notice therefor shall be given to each county agent and Alabama Forestry Commission supervisor in this state.

Section 7. The arrangements for the place, time and management of any referendum held under this act shall be under the direction of the Commission. The Commission shall bear all expenses incurred in conducting the referendum, including the furnishing of ballots and arranging for the necessary poll holders.

Section 8. In the event the referendum conducted under this act fails to receive the required number of affirmative votes, the Commission may call another referendum after the expiration of two years.

Section 9. a. An owner or lessee of forest land who fails to pay, upon reasonable notice, any assessment levied under this act shall, in addition to the assessment, be subject to a per acre penalty as established by the Commission's rules and regulations.

b. Any finance charge, fee, or assessment levied shall constitute a lien on the property against which it is levied. In case of default in the payment of such finance charge, fee, or assessment, the subject land may be sold in the same manner and under the same conditions that lands are sold for the satisfaction of liens for county ad valorem taxes, and redemption from such sale may be effected in the same manner as is provided by law for redemption where land is sold for nonpayment of ad valorem taxes.

Section 10. Any county may, by local legislation, increase the amount of the finance charge, fee or assessment provided for in this act, but is hereby prohibited from decreasing said amount.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. Assessments, fees, or other charges collected as authorized under authority hereof shall not be considered as a tax within the meaning of the Constitution of Alabama of 1901, or any provision of the Code of Alabama 1975.

Section 13. This act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing the provisions of this act.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Campbell	Figures	Manley	
Amari	deGraffenried	Hale	Menton	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Holmes	Sanders	
Bedsole	Drinkard	Langford	Smith (B)	
Cabaniss	Ellis			—21

Nays: —0

And said Bill, S. B. 310, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Menton	
Amari	Denton	Hale	Preuitt	
Barron	Dial	Hand	Rice	
Bedsole	Dixon	Langford	Sanders	
Cabaniss	Ellis	Manley	Smith (B)	
Campbell	Figures			—21

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B. I. R., S. B. 309, adopted.

Yeas 19; Nays 1.

Yeas:

Senators:	Covington	Goodwin	Menton	
Bedford	deGraffenried	Hale	Mitchem	
Bedsole	Denton	Hand	Preuitt	
Cabaniss	Dial	Holmes	Smith (B)	
Campbell	Ellis	Langford	Smith (J)	—19

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 309. Proposing an amendment to the Constitution of 1901, relating to the promotion of forestry and fire protection on forest property within this state; providing funds for the administration of such forestry program hereby enacted on a state-wide basis; providing for the levying, collecting, and distribution of charges, fees or assessments for costs; allowing certain local laws heretofore enacted providing for similar local forest fire protection and assessment programs to be repealed, replaced or superseded; all depending upon ratification by the voters of this amendment.

was taken up.

The Standing Committee on Agriculture, Conservation, and Forestry reported the following substitute for the Bill, S. B. 309, to-wit:

SUBSTITUTE FOR S. B. 309**A BILL
TO BE ENTITLED
AN ACT**

Proposing an amendment to the Constitution of 1901, relating to the promotion of forestry and fire protection on forest property within this state; providing funds for the administration of such forestry program hereby enacted on a state-wide basis; providing for the levying, collecting, and distribution of charges, fees or assessments for costs; allowing certain local laws heretofore enacted providing for similar local forest fire protection and assessment programs to be repealed, replaced or superseded; all depending upon ratification by the voters of this amendment.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of 1901 as amended:

PROPOSED AMENDMENT

(A) Notwithstanding any other provision of this Constitution, the legislature may hereafter levy a finance charge, fee or assessment on forest land in this state at a rate of a maximum of twenty (20) cents per acre on a per acre basis of forest land owned and as established by general act of the legislature. The legislature is authorized to provide that the proceeds generated in each county shall be earmarked for use in the respective county where raised to provide for forestry services and forest fire protection within the county. The legislature may provide that this charge, fee, or assessment shall be levied on forest land as is defined by the legislature, and that said charge, fee, or assessment will be assessed and collected as ad valorem taxes in this state.

The legislature may further provide that all revenues or monies collected from said forest land shall be distributed by the office of the county tax collector, or similar office, to the Alabama Forestry Commission, State of Alabama. The legislature shall provide that the forestry and fire prevention

program set forth herein shall be administered by the Alabama Forestry Commission and that any funds collected but not spent in a particular fiscal year shall be carried into the next fiscal year for the same purposes in that county. The legislature may provide that local laws heretofore enacted relating to forest fire protection, and assessing a local acreage assessment, use tax, finance charge or other fee, tax, charge or assessment, in support thereof, which conflict with the provisions of that act shall be repealed, replaced or superseded by that act at a time to be designated by the legislature.

(B) The legislature may from time to time pass such legislation as may be necessary to further define terms herein or to otherwise implement this amendment or the levying, collecting, distributing or administering of fees, charges or assessments provided for herein. The legislature may provide for and is authorized to provide the procedure whereby owners of forest land may, by referendum held among such owners in this state, levy upon themselves fees, charges and assessments, based upon the amount of acreage of forest land owned. No increase in the amount of assessment, fee or charge, up to the maximum amount provided in Subsection A of this amendment, shall be levied without approval of a majority of the landowners of the land affected at a referendum. The legislature is authorized to make provisions for nonpayment of such fees, charges or assessments authorized hereunder and to provide penalties for failure to pay same. The legislature may further provide for the withdrawal, disbursement and expenditure by the Alabama Forestry Commission of any funds received. Assessments, fees, or other charges collected as authorized by any legislative act adopted under authority hereof shall not be considered as a tax within the meaning of this Constitution or any provision thereof. The legislature may further provide for or allow reasonable rules and regulations to be adopted by the Alabama Forestry Commission to effectively carry out the intent and purposes herein enumerated. Any uniformity requirements of this Constitution shall be satisfied by the application of the program to forest fire protection and similar forestry services.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, primary or constitutional amendment election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Section 4. The provisions of this act shall be effective immediately upon ratification by the people and the Governor thereafter shall proclaim this amendment as required by law.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Senators:	deGraffenried	Figures	Menton	
Barron	Denton	Goodwin	Mitchem	
Bedsole	Dial	Hale	Preuitt	
Bennett	Dixon	Hand	Rice	
Cabaniss	Drinkard	Hilliard	Smith (B)	
Campbell	Ellis	Langford	Smith (J)	
Covington				—24

Nays: —0

And said Bill, S. B. 309, as thus amended by the substitute, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Hilliard	
Bailey	Covington	Ellis	Langford	
Bedford	deGraffenried	Figures	Mitchem	
Bedsole	Denton	Hale	Preuitt	
Benneit	Dial	Hand	Smith (B)	
Cabaniss	Dixon			—21

Nays: —0**FURTHER CONSIDERATION OF H. B. 130**

The Senate proceeded to further consideration of the Bill, H. B. 130. The question was on the amendment offered by Senator Goodwin.

And said amendment was then adopted by the Senate.

Yeas 23; Nays 0.

Yeas:

Senators:	deGraffenried	Figures	Menton	
Amari	Denton	Goodwin	Mitchem	
Barron	Dial	Hale	Preuitt	
Bennett	Dixon	Hilliard	Rice	
Cabaniss	Drinkard	Langford	Smith (B)	
Covington	Ellis	Manley	Smith (J)	—23

Nays: —0

And said Bill, H. B. 130, as thus amended, was read a third time at length and passed.

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Yeas 28; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Menton	
Amari	Campbell	Figures	Mitchem	
Bailey	Covington	Goodwin	Parsons	
Barron	deGraffenried	Hale	Preuitt	
Bedford	Denton	Hand	Rice	
Bedsole	Dial	Langford	Smith (B)	
Bennett	Dixon	Manley	Smith (J)	
Bishop				—28
<i>Nays:</i>				—0

ADJOURNMENT

At 5:30 P.M., on motion of Senator Parsons, in accordance with Motion heretofore adopted, the Senate adjourned until Thursday, March 24, 1988, at 10 o'clock A.M.

FIFTEENTH LEGISLATIVE DAY

THURSDAY, MARCH 24, 1988

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by the Reverend Dr. Hays McKay, Jr., Assistant Minister, First United Methodist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Leroy Salary, Robert E. Lee High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Figures	Menton
Amari	Corbett	Foshee	Mitchem
Bailey	Covington	Hale	Parsons
Barron	deGraffenried	Hand	Preuitt
Bedford	Denton	Hilliard	Rice
Bedsole	Dial	Holmes	Sanders
Bennett	Drinkard	Langford	Smith (B)
Cabaniss	Ellis	Manley	

—30

JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Fourteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Bishop, Dixon, Goodwin, Horn, and Smith (J) for today.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 125. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE, THAT pursuant to Rule 9 of the Senate Rules, the regular order of business is set aside and the following order of business is the paramount and continuing order of business taking precedence over all other matters for the fifteenth legislative day of the 1988 Regular Session only:

1. Consent Calendar.

On motion of Senator Drinkard, the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B. I. R., S. B. 292, adopted.

Yeas 18; Nays 1.

Yeas:

Senators:	deGraffenried	Hale	Manley	
Bailey	Denton	Hand	Menton	
Bedsole	Dial	Hilliard	Preuitt	
Bennett	Drinkard	Holmes	Sanders	
Campbell	Figures	Langford		—18

Nay: Senator Amari —1

SPECIAL ORDER

BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 292. To provide for the establishment of a fund from which survivor allowances for spouses of deceased district or supernumerary district attorneys shall be paid; to provide requirements for eligibility for receipt of such benefits; to provide funding for the proper operations and maintenance of such fund; and to provide for the management of such fund.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 292, to-wit:

AMENDMENT TO S. B. 292

Amend S. 292 on page 2, line 22, by deleting the year "1988" and inserting in lieu thereof the year "1989".

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Dial	Menton	
Amari	Campbell	Hand	Preuitt	
Bailey	Corbett	Hilliard	Sanders	
Bedsole	deGraffenried	Langford	Smith (B)	
Bennett	Denton	Manley		—18

Nays: —0

And said Bill, S. B. 292, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Dial	Menton	
Amari	Campbell	Hand	Parsons	
Bailey	Corbett	Hilliard	Preuitt	
Bedsole	deGraffenried	Langford	Sanders	
Bennett	Denton	Manley	Smith (B)	—19

Nays: —0**MOTIONS IN WRITING**

Senator Langford offered the following Motions in Writing, to-wit:

I move that the Bill, H. B. 313, on page 13 of the 15th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, S. B. 357, on page 69 of the 15th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, S. B. 501, on page 84 of the 15th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which were adopted, and the President and Presiding Officer of the Senate ordered said Bills, H. B. 313, S. B. 357, and S. B. 501, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill and House Joint Resolutions, your signature thereto is requested.

H. 431. To amend Sections 10-2A-70.1 and 10-2A-70.2, Code of Alabama 1975, which relate to giving aid or contributions to a political party or candidate; so as to allow corporations which own, control or operate a railroad to make certain political contributions.

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Also:

H. J. R. 169. DESIGNATING 1989 AS "THE YEAR OF THE YOUNG READER" IN THE STATE OF ALABAMA.

Also:

H. J. R. 170. MOURNING THE DEATH OF MRS. DOROTHY T. SPEARS.

Also:

H. J. R. 173. MOURNING THE DEATH OF HOWARD EUBANKS OF PELL CITY, ALABAMA.

Also:

H. J. R. 174. COMMENDING ROBERT RUSSELL CLARK FOR 41 YEARS OF DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

Also:

H. J. R. 212. RELATIVE TO MEETING DAYS.

Also:

H. J. R. 214. COMMENDING BETTY TURNER OF PELL CITY, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE AND ACHIEVEMENT.

Also:

H. J. R. 215. COMMENDING THE PELL CITY HIGH SCHOOL LADY PANTHERS ON THEIR STATE 5A BASKETBALL CHAMPIONSHIP.

Also:

H. J. R. 217. COMMENDING GRAHAM HUDSON AND CLEATUS LEDFORD FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 219. COMMENDING CLAY DYER OF HAMILTON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 222. COMMENDING JAMES G. SASSER, PRESIDENT OF ALABAMA AVIATION AND TECHNICAL COLLEGE, OZARK, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill and House Joint Resolution, your signature thereto is requested.

H. 481. To amend Section 17-22-5 of the Code of Alabama 1975, relating to filing certain statements under the state corrupt practices statutes, so as to provide further for the candidates required to file such statements.

Also:

H. J. R. 270. COMMENDING THE GRISSOM HIGH SCHOOL BOYS BASKETBALL TEAM FOR ITS EXCELLENT SEASON AND STATE CHAMPIONSHIP TITLE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 309. Proposing an amendment to the Constitution of 1901, relating to the promotion of forestry and fire protection on forest property within this state; providing funds for the administration of such forestry program hereby enacted on a state-wide basis; providing for the levying, collecting, and distribution of charges, fees or assessments for costs; allowing certain local laws heretofore enacted providing for similar local forest fire protection and assessment programs to be repealed, replaced or superseded; all depending upon ratification by the voters of this amendment.

Also:

S. 310. To levy an assessment on forest lands for forest fire protection and prevention and to provide for penalties for violations.

Also:

S. 327. To provide a comprehensive system of law applicable to all counties in this state defining the powers of any such counties to construct improvements or reimprovements consisting of streets or any portions thereof, sanitary sewers and sewer systems and water and gas mains and service connections, drainage improvements or drainage systems and the filling in

of swamps or inundated or overflowed or submerged lands, ornamental lighting systems or white way systems of lighting and the construction, acquisition, improvement and extension of seawalls, dikes, levees and embankments in such counties; to provide a method for the assessment of the cost of any such improvement against the property abutting on, or drained, served, or benefited by such improvement; to require the adoption of a resolution describing the improvement and the property abutting on, or the area to be drained, served or benefited by such improvement; to require the filing of plans and specifications for such improvement; to provide for publication and mailing of notice of the adoption of the said resolution; to provide for a public hearing on such improvement; to provide for payment of the cost of the improvement; to provide for the establishment of the grade of certain streets, avenues, alleys or sidewalks to be improved; to provide for public advertisement for bids for the construction of the improvement unless the county shall perform the work or provide materials from its own resources; to provide that the county commission must accept or reject work on the part of the county; to provide for supervision of the work; to provide for the levy of assessments on the property abutting on or drained, served or benefited by any improvement; to provide for the assessment against lands purchased by the state; to provide the manner of assessments generally; to provide for improvements of intersections of streets, avenues or other highways; to provide for sidewalk improvements; to provide for the preparation of a list of owners and parcels to be assessed, and publication of notice of such list; to provide for the entry of the list in an assessment book for local improvements; to provide for the delivery of the assessment book to the county clerk and the publication of notice as to delivery and inspection of such book; to provide for notice of hearing of objections; to provide for the contents of the notice as to the hearing on assessments for improvements; to provide for any defects or errors therein; to provide for the filing of written objections to assessments by property owners; to provide for a hearing on the proposed assessments and making the same final; to provide for the powers of the commission as to the subpoena of witnesses; to provide for the establishment of a lien on the property subject to the assessments and for the priority thereof; to provide for the reduction or abatement of certain assessment; to provide for procedures with respect to erroneous assessments and assessments in excess of benefits derived; to authorize the transfer and assignment of such liens, and for the enforcement thereof; to specify other provisions with respect to such liens; to provide for the effect of enforcement of tax liens upon property subject to assessment liens and the duration of assessment liens; to provide for the effect of sale of property for enforcement of an assessment lien upon other assessment liens upon the same property; to provide a system for appeals from the making of such final assessment; to provide for bond on appeal; to provide for entry on trial docket of appeal; to provide for the transcript for appeal; to provide for prima facie evidence on appeal; to provide for the conduct of appeal, right of jury trial and the entry of judgment and assessment of costs generally; to provide for the conduct of appeal, right of jury trial and the entry of judgment and assessment of costs generally; to provide for the entry of judgment for amounts properly chargeable against lands where the assessment is defective; to provide for appeals from the judgment of the circuit court; to provide for the addition of interest and damages upon affirmance of judgment for the county; to provide that the county may appeal from any judgments of the circuit court without giving bond; to provide for the issuance of execution and order of sale upon entry of final judgment in favor of the county; to provide a system for payment of all such assessments and for default in such payments; to

provide for proceedings for sale of land upon failure of owner to pay assessment; to provide for the payment of assessments prior to sale; to provide that the costs of notice and sale are to be charged against the land; to provide for the execution of a deed to the purchaser at such sale; to provide for the effect of error and defect of notice of sale; to provide for the redemption of property after sale generally; to provide for the extension of the redemption period; to provide for the application for filing of certificate of warning to redeem upon the record of local improvement assessment sale deed; to provide for the mailing of copies of deed and certificate to persons last assessed upon property described in deed by probate judge; to provide for the redemption of property during extended redemption period; to provide for the performance of duties of the probate judge; to provide for the redemption of property; to provide for the making of temporary loans or issuance of bonds before or during progress of work to pay for cost of improvement; to provide for the issuance of bonds after completion of work; to provide for the applicability of provisions of law as to issuance of county bonds generally; to provide for the issuance of bonds generally; to provide for the maturity and payments of such bonds; to provide for the disposition of proceeds from the sale of bonds; to provide for the grouping of improvements for the issuance of bonds; to provide for the maintenance and disposition of sinking fund accounts for bond issues; to provide for the bond of the officer charged with the collection of assessments; to provide for the redemption of bonds; to provide for the refunding of excess assessments; to provide a limitation period for presentation of claims and disposition of amounts not refunded; to provide for the settlement, adjustment or refunding of bonds; to provide for the consolidation of separate outstanding issues or issuance of refunding bonds; to provide for the maintenance and disposition of sinking fund accounts for refunding bond issues; to grant to any county the right of eminent domain with respect to improvements; to provide that this Act shall not affect the powers of counties to compel property owners to repair sidewalks; to provide for apportionment of assessments against property for public improvements among joint owners thereof; to provide for a petition of a tenant in common for division of an assessment among joint owners of property; to provide for a division of assessment among the tenants in common; to provide for a notice to property owners of division of an assessment; to provide for appeals from division of an assessment; to provide for correction of description of ownership of property and reduction of an assessment; to provide for the effect of reduction upon an assessment lien; to provide for the effect of annexation and incorporation of an area in which assessments have been made; to amend Section 11-28-3, Code of Alabama 1975, as amended, relating to the issuance of warrants by counties so as to provide for the pledge of assessments for the benefit of such warrants; to provide for severability of the provisions of this Act and for the repeal of inconsistent laws; and to establish the effective date of this Act.

Also:

S. 391. Relating to Mobile County; providing that the county commission or other like governing body of such county shall have the power to levy and collect additional privilege license taxes, excise taxes and sales and use taxes, subject to any limitation of the Constitution of Alabama or of any general law of this state; providing that any such tax levied by said governing body shall become law either with or without a referendum in the sole discretion of said governing body; providing for the disposition of the proceeds of such taxes; and repealing conflicting laws.

BILL DRINKARD,
Chairperson.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 293. Relating to the practice of barbering in Lauderdale County; requiring the county wide administrative control, supervision and regulation including certain registration and licensing of the practice of barbering, teaching of barbering, barbers, barber instructors, barber students, barber apprentices, barbershops, and barber schools; creating a county barber board for such purpose; prescribing the powers and duties of said board; abolishing all current local county barber boards or commissions; repealing or superseding all laws, whether general, general of local application, special or local, which conflict with this act; providing for a barbering commission and appointments thereto; providing for duties and powers of the commission; and providing for exceptions.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 202. Relating to Walker County; approving an increase of the three mill district ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901 by eight mills to eleven mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such additional eight mill tax to be levied and collected by the governing body of Walker County for each year beginning with the levy for the tax year ending September 30, 1989 (the tax for which year will be due and payable October 1, 1989) and ending with the levy for the tax year ending September 30, 1997 (the tax for which year will be due and payable October 1, 1997) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the Walker County School District (consisting of all of Walker County except the City of Carbon Hill and the City of Jasper school districts) in said County at a special election called and held in accordance with the laws governing special elections.

JOHN W. PEMBERTON,
Clerk.

BUDGET ISOLATION RESOLUTION

Senator Bedsole requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Bedsole, B. I. R., H. B. 142, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley
Amari	Campbell	Hale	Menton
Bailey	Corbett	Hand	Mitchem
Barron	Denton	Hilliard	Parsons
Bedford	Dial	Holmes	Rice
Bedsole	Ellis	Langford	Smith (B)
Bennett	Figures		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 142. Relating to Tallapoosa County; replacing the probate judge as chairman of the county commission and providing for each member of the county commission to serve as chairman on a rotational basis.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 142, to-wit:

AMENDMENT TO H. B. 142

Amend House Bill 142, page 1, Section 1, line 22, after the word "compensation." by renumbering the remaining sections correctly.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley
Amari	Campbell	Hale	Menton
Bailey	Corbett	Hand	Mitchem
Barron	Denton	Hilliard	Parsons
Bedford	Dial	Holmes	Rice
Bedsole	Ellis	Langford	Smith (B)
Bennett	Figures		

—25

Nays:

—0

And said Bill, H. B. 142, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley
Amari	Campbell	Hale	Menton
Bailey	Corbett	Hand	Mitchem
Barron	Denton	Hilliard	Parsons
Bedford	Dial	Holmes	Rice
Bedsole	Ellis	Langford	Smith (B)
Bennett	Figures		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Bedsole requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Bedsole, B. I. R., H. B. 143, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Hale	Menton	
Bailey	Corbett	Hand	Mitchem	
Barron	Denton	Hilliard	Parsons	
Bedford	Dial	Holmes	Rice	
Bedsole	Ellis	Langford	Smith (B)	
Bennett	Figures			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 143. Relating to Tallapoosa County; providing for an advisory referendum on the question of whether the members of the county commission shall serve on a full-time or part-time basis commencing with their next terms of office.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Hale	Menton	
Bailey	Corbett	Hand	Mitchem	
Barron	Denton	Hilliard	Parsons	
Bedford	Dial	Holmes	Rice	
Bedsole	Ellis	Langford	Smith (B)	
Bennett	Figures			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bedsole requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Bedsole, B. I. R., H. B. 144, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Hale	Menton	
Bailey	Corbett	Hand	Mitchem	
Barron	Denton	Hilliard	Parsons	
Bedford	Dial	Holmes	Rice	
Bedsole	Ellis	Langford	Smith (B)	
Bennett	Figures			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 144. Relating to Tallapoosa County; requiring the county commission to offer for public auction to the highest bidder for cash surplus county property; providing that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Tallapoosa County; providing that the first publication of said notice shall be 20 days before the said auction; providing a procedure for the conduct of said auction; and providing that all proceeds from the sale of said property shall be paid into the general fund of the county.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Hale	Menton	
Bailey	Corbett	Hand	Mitchem	
Barron	Denton	Hilliard	Parsons	
Bedford	Dial	Holmes	Rice	
Bedsole	Ellis	Langford	Smith (B)	
Bennett	Figures			—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Bedsole requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Bedsole, B. I. R., H. B. 437, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Hale	Menton	
Bailey	Corbett	Hand	Mitchem	
Barron	Denton	Hilliard	Parsons	
Bedford	Dial	Holmes	Rice	
Bedsole	Ellis	Langford	Smith (B)	
Bennett	Figures			—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 437. Relating to Tallapoosa County; providing for the mode of construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county commission to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and

those of the county commission in relation to the roads, highways, bridges and ferries of Tallapoosa County; prohibiting the performance of certain work on private property; providing civil fines for violations; and providing for an effective date.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Hale	Menton	
Bailey	Corbett	Hand	Mitchem	
Barron	Denton	Hilliard	Parsons	
Bedford	Dial	Holmes	Rice	
Bedsole	Ellis	Langford	Smith (B)	
Bennett	Figures			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bedsole requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Bedsole, B. I. R., H. B. 553, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Mitchem	
Amari	Corbett	Hand	Parsons	
Bailey	Covington	Hilliard	Preuitt	
Barron	Denton	Holmes	Rice	
Bedsole	Dial	Langford	Sanders	
Bennett	Drinkard	Menton	Smith (B)	
Cabaniss	Figures			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 553. Relating to Mobile County; providing that the county commission or other like governing body of such county shall have the power to levy and collect additional privilege license taxes, excise taxes, alcoholic beverage taxes, ad valorem taxes, and sales and use taxes, subject to any limitation of the Constitution of Alabama or of any general law of this state; providing that any such tax levied by said governing body shall become law either with or without a referendum in the sole discretion of said governing body; providing for the disposition of the proceeds of such taxes; and repealing conflicting laws.

was taken up.

The Standing Committee on Local Legislation No. 3 reported the following amendment to the Bill, H. B. 553, to-wit:

AMENDMENT TO H. B. 553

Amend House Bill 553, page 1, lines 15 and 16 by striking the following:

“, alcoholic beverage taxes, ad valorem taxes,”

Further amend on page 1, lines 28 and 29 by striking the following:

“, ad valorem taxes, alcoholic beverage taxes,”

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Mitchem	
Amari	Corbett	Hand	Parsons	
Bailey	Covington	Hilliard	Preuitt	
Barron	Denton	Holmes	Rice	
Bedsole	Dial	Langford	Sanders	
Bennett	Drinkard	Menton	Smith (B)	
Cabaniss	Figures			—25

Nays: —0

And said Bill, H. B. 553, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 1.

Yeas:

Senators:	Campbell	Foshee	Mitchem	
Amari	Corbett	Hand	Parsons	
Bailey	Covington	Hilliard	Preuitt	
Barron	Denton	Holmes	Rice	
Bedsole	Dial	Langford	Sanders	
Bennett	Drinkard	Manley	Smith (B)	
Cabaniss	Figures			—25

Nay: Senator Menton —1

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B. I. R., S. B. 296, adopted.

Yeas 19; Nays 1.

Yeas:

Senators:	Cabaniss	Figures	Manley	
Bailey	deGraffenried	Foshee	Menton	
Barron	Denton	Hale	Preuitt	
Bedford	Dial	Hand	Sanders	
Bedsole	Drinkard	Langford	Smith (B)	—19

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 296. To amend sections 36-32-1, 36-32-2 and 36-32-3, Code of Alabama 1975, which provide for the Fire Fighters' Standards and Education

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Commission, so as to further define certain terms, reestablish the State Fire College at Shelton State Community College, provide for the administration of the State Fire College, provide further for the appropriations to the State Fire College, and repeal sections 16-59-1 through 16-59-4, Code of Alabama 1975, which relate to the State Fire College.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Figures	Manley	
Amari	deGraffenried	Foshee	Menton	
Barron	Denton	Hale	Mitchem	
Bedford	Dial	Hand	Preuitt	
Bedsole	Drinkard	Langford	Smith (B)	—19

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Figures, B. I. R., S. B. 427, adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Manley	
Bailey	Denton	Hale	Menton	
Barron	Dial	Hand	Mitchem	
Bedsole	Drinkard	Holmes	Preuitt	
Bennett	Figures	Langford	Smith (B)	—20
Cabaniss				

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 427. To create a Black Heritage Museum of West Alabama at Stillman College; to create a repository of source materials on Black history and culture; and to provide for the authority to receive certain available funds.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Menton	
Bailey	Denton	Hale	Mitchem	
Barron	Dial	Hand	Preuitt	
Bedford	Drinkard	Holmes	Sanders	
Bennett	Ellis	Langford	Smith (B)	—22
Cabaniss	Figures	Manley		

Nays: —0

MOTION IN WRITING

Senator Mitchem offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 419, on page 71 of the 15th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 419, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Senator Mitchem offered the following Senate Joint Resolution, to-wit:

S. J. R. 126. COMMENDING BRANDON SPARKMAN FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE TO THE GUNTERSVILLE CITY SCHOOLS.

WHEREAS, the Alabama Legislature notes with commendation and esteem the distinguished service rendered to the Guntersville City Schools by Dr. Brandon Sparkman as superintendent of the system for the past eight years; and

WHEREAS, a native of Hartselle, Alabama, and a United States Army veteran, Brandon Sparkman holds the B. S. degree from the University of North Alabama, M. A. and Ed.S. degrees from the University of Alabama, and the Ed.D. degree from Auburn University; and

WHEREAS, Dr. Sparkman, who will continue in service until June 1988, served variously as coach, assistant principal, principal, assistant superintendent and superintendent in Marion County, Tusculumbia, Mississippi, South Carolina and Hartselle before moving to Guntersville in his current capacity; and

WHEREAS, indicative of Dr. Sparkman's successful leadership and significant contributions to education and to the Guntersville Schools is his recent selection as Alabama Superintendent of the Year, an honor bestowed by the Alabama Council of School Administration and Supervision (ACSAS), based on such criteria as leadership, communications skills, professionalism and community involvement; and

WHEREAS, Dr. Sparkman has further provided outstanding leadership to other school systems throughout Alabama, most particularly in the area of curriculum development, and has also assumed a number of civic and community responsibilities in the Guntersville Area through activities and in influential capacities with such organizations as the Kiwanis Club, Chamber of Commerce, United Way and the First Methodist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Brandon Sparkman of Guntersville, Alabama, for outstanding achievement and service in the educational field, to the Guntersville City Schools and to the community.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Dr. Sparkman that he may know of our sincere praise and regard, and of our warm best wishes for continuing success in all future endeavors.

On motion of Senator Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Mitchem then offered the following Senate Joint Resolution, to-wit:

S. J. R. 127. COMMENDING JOHN B. BROOKSHIRE, JR., FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND COMMUNITY SERVICE.

WHEREAS, it is with highest commendation that the Alabama Legislature notes the distinguished professional achievement and exceptional community involvement of John B. Brookshire, Jr., of Guntersville, Alabama; and

WHEREAS, a United States Army veteran of World War II who served with the 81st Wildcat Division in the South Pacific, John Brookshire joined the First National Bank of Guntersville in 1946, retiring as president in 1985, following 39 years of distinguished service to the bank and in other professional leadership; and

WHEREAS, in addition to career responsibilities, however, Mr. Brookshire also has been one of his community's most active civic workers through involvement and leadership with such organizations as Guntersville First United Methodist Church, Chamber of Commerce, Alabama Lung Association, Red Cross, United Way, Guntersville Library Board, Boy Scouts, Heart Association, Guntersville Jaycees and Northtown Civitan Club, Mountain Valley Council on the Arts, and both the Marshall County Redistricting Committee and the Economic Development Association; and

WHEREAS, Mr. Brookshire has further served in dedicated commitment to the local schools for the past 34 years, as a former trustee and as a member of the Guntersville City School Board from its establishment in 1968 until his retirement effective in April 1988; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished service to his profession and outstanding community involvement, we hereby commend John B. Brookshire, Jr., of Guntersville, Alabama, and do further direct that he receive a copy of this resolution of highest personal regard.

On motion of Senator Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 168. COMMENDING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FOR THEIR VISION AND LEADERSHIP AND CONGRATULATING THE BOEING COMPANY ON THEIR ROLES IN DEVELOPING AMERICA'S SPACE STATION.

On motion of Senator Smith (B), said Resolution was concurred in and adopted by the Senate.

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Brigadier General, Line, Jerry N. Gurley to the position of Surgeon, Medical Corps, Alabama Army National Guard.

On motion of Senator Dial, the appointment of Brigadier General Gurley was confirmed by the Senate.

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Figures	Menton	
Amari	Denton	Hale	Mitchem	
Barron	Dial	Hand	Parsons	
Bedford	Drinkard	Langford	Preuitt	
Bennett	Ellis	Manley	Smith (B)	
Cabaniss				—20

Nays:

—0

RESOLUTION

Senator Denton offered the following Senate Joint Resolution, to-wit:

S. J. R. 128. DESIGNATING THE CITY OF SHEFFIELD AS ALABAMA'S "SENIOR CITY U.S.A."

WHEREAS, statistics indicate an enormous economic and social problem developing in our nation by the year 2000; and

WHEREAS, the majority of the nation's citizens by the year 2000 will be of senior citizen age and they must be provided for; and

WHEREAS, the City of Sheffield, Alabama, and the Shoals area have recognized this situation and have taken initial steps to transition the City of Sheffield to fit the needs of the senior citizens; and

WHEREAS, housing, medical care, transportation and other services and conditions must be in place for our senior citizens, and considerable planning toward this effort has already begun by the City of Sheffield; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate the City of Sheffield as Alabama's "Senior City U.S.A." and do further support the city's efforts toward providing a safe and comfortable environment for senior citizens.

On motion of Senator Denton, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House

Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 176. CREATING A JOINT LEGISLATIVE COMMITTEE ON THE FUTURE OF ALABAMA AND IMPLORING SUCH COMMITTEE TO STUDY THE REPORT OF THE SOUTHERN GROWTH POLICIES BOARD ENTITLED "HALFWAY HOME AND A LONG WAY TO GO" AND TO RECOMMEND HOW THIS STATE SHOULD PARTICIPATE IN THE IMPLEMENTATION OF THE TEN REGIONAL OBJECTIVES OUTLINED IN SUCH REPORT.

Senator Dial offered the following substitute for the Resolution, H. J. R. 176, to-wit:

SUBSTITUTE FOR H. J. R. 176

H. J. R. 176. CREATING A JOINT LEGISLATIVE COMMITTEE ON THE FUTURE OF ALABAMA AND IMPLORING SUCH COMMITTEE TO STUDY THE REPORT OF THE SOUTHERN GROWTH POLICIES BOARD ENTITLED "HALFWAY HOME AND A LONG WAY TO GO" AND TO RECOMMEND HOW THIS STATE SHOULD PARTICIPATE IN THE IMPLEMENTATION OF THE TEN REGIONAL OBJECTIVES OUTLINED IN SUCH REPORT.

WHEREAS, in November 1986, the Southern Growth Policies Board adopted the report of the commission on the Future of the South entitled "Halfway Home and a Long Way To Go" as an economic development blue print for southern states; and

WHEREAS, this eloquently written and thought provoking report authored by former Mississippi Governor William F. Winter culminated a year of dedicated study by a distinguished panel of twenty southern leaders assembled by said board's Chairman, Governor Bill Clinton of Arkansas; and

WHEREAS, this compelling public policy document contains TEN REGIONAL OBJECTIVES for the South to work for between 1986 an 1992, at which time the next commission on the Future of the South will be assembled to examine the condition of the region and to set new objectives; and

WHEREAS, these TEN REGIONAL OBJECTIVES ARE:

Provide a Nationally Competitive Education for All Southern Students by 1992;

Mobilize Resources to Eliminate Adult Functional Illiteracy by 1992;

Prepare a Flexible, Globally Competitive Work Force by 1992;

Strengthen Society as a Whole by Strengthening At-Risk Families by 1992;

Increase the Economic Development Role of Higher Education by 1992;

Increase the South's Capacity to Generate and Use Technology by 1992;

Implement New Economic Development Strategies Aimed at Home-Grown Business and Industry by 1992;

Enhance the South's Natural and Cultural Resources by 1992;

Develop Pragmatic Leaders with a Global Vision by 1992;

Improve the Structure and Performance of State and Local Governments by 1992; and

WHEREAS, legislative involvement is the key to implementing the TEN REGIONAL OBJECTIVES contained in "Halfway Home and a Long Way To Go"; now therefore,

BE IT RESOLVED, That there is hereby created and established "THE JOINT LEGISLATIVE COMMITTEE ON THE FUTURE OF ALABAMA" to be composed of five members of the House of Representatives appointed by the Speaker of the House and five members from the Senate appointed by the Lieutenant Governor; and such Joint Committee shall function as follows:

(a) Such committee shall have its organizational meeting within ten days of the effective date of this resolution at which meeting it shall select a chairperson and vice-chairperson; thereafter, such committee shall meet on call of its chairperson;

(b) each committee member shall thoroughly review the aforementioned "Halfway Home" report;

(c) said Joint Committee shall encourage each member of each standing committee in the legislature to likewise review such report;

(d) during the 1988 Regular Session, each standing committee in both the House and the Senate may devote at least one hour to a public round table discussion of this report;

(e) during such round table discussions, committee clerks shall record recommendations and suggestions relating to such report which shall be forwarded to said Joint Legislative Committee;

(f) such recommendations and suggestions shall be evaluated by said Joint Legislative Committee which shall formulate its recommendations for legislation relative to these Ten Regional Objectives and issue its report on same to both the Legislature and the Governor no later than the fifth legislative day of the 1989 Regular Session;

(g) the Clerk of the House and the Secretary of the Senate shall furnish such supplies and clerical assistance as may be necessary, from time to time, for such Joint Committee to administer its functions.

BE IT FURTHER RESOLVED, That we urge and implore the Governor and each member of the Cabinet to study and examine "Halfway Home and a Long Way To Go" and to forward their recommendations concerning same to the Joint Legislative Committee on the Future of Alabama and we also urge and implore each member of said Joint Committee to seek input relative to the implementation of these ten regional objectives from representatives of industry, education and grass roots organizations in this state.

Which was adopted.

And on motion of Senator Dial, said Resolution, H. J. R. 176, as thus amended by the substitute, was concurred in and adopted by the Senate.

MOTION IN WRITING

Senator Cabaniss offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 488, on page 74 of the 15th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 488, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Senator Bedsole offered the following Senate Resolution, to-wit:

S. R. 129. COMMENDING PEGGY T. HOLLAND OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

Which was filed.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Dial (By Request):

S. 551. To amend Sections 34-24-191 and 34-24-217 of the Code of Alabama 1975 relating to the practice of physical therapy, so as to allow individuals to have direct access to physical therapy services.

Committee on Health.

By Senator Dial (By Request):

S. 552. To amend section 12-14-15 of the Code of Alabama 1975, relating to the remittitur of fines and court costs by the mayor of a municipality and the commutation of sentences imposed by a municipal court pursuant to municipal ordinances or state law, so as to prohibit the same for offenses involving the driving of a vehicle while under the influence of alcohol or a controlled substance or the combined use thereof, as well as for offenses involving the driving of a vehicle while the driver's license is suspended or revoked due to a conviction of driving under the influence of alcohol or a controlled substance or the combined use thereof; and to provide for penalties for violations.

Committee on Judiciary.

By Senator Dial (By Request):

S. 553. To amend sections 22-5A-2 through 22-5A-7, Code of Alabama 1975, relating to the "Long-Term Residential Health Care Recipient Ombudsman Act," so as to provide further for the state ombudsman and community ombudsmen and their powers and duties under the commission on aging.

Committee on Health.

By Senator Barron (With Notice and Proof):

S. 554. To provide for and create the Jackson County Racing Commission for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers and duties of the Racing Commission; to provide for and regulate the pari mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the act; to provide certain penalties

for the violation of this act and for other purposes relative thereto; to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 554, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bedford (With Notice and Proof):

S. 555. Relating to Fayette County; providing further for the compensation of the judge of probate; repealing conflicting laws.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 555, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Amari and Bennett:

S. 556. To amend Sections 11-98-2, 11-98-4 and 11-98-5 of the Code of Alabama 1975, relating to emergency telephone service so as to provide further for procedures relating to the creation of communications districts; to provide further for personnel employed in such districts; to prescribe the corporate structure and organization of such districts, including their corporate powers and to provide that such districts may receive certain property and make certain expenditures.

Committee on Commerce,
Transportation and Utilities.

By Senators Bennett and Hilliard (With Notice and Proof):

S. 557. To further regulate the sale of alcoholic or spirituous or vinous liquors, brewed or malt beverages and beer in any Class 1 municipality; to provide that certain validly licensed manufacturers brewing malt or malt liquors may sell to consumers and others for consumption on the premises or off the premises, as the case may be; to provide that a validly licensed restaurant retail licensee may also be licensed as a manufacturer of said malt brewed or malt liquors; to provide that certain manufacturers may also be wholesalers to sell said brewed or malt liquors, regardless of origination, to duly licensed persons or vendors; and to repeal any local, general or special law conflicting with the provisions of this act.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 557, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bennett (With Notice and Proof):

S. 558. Relating to Jefferson County; to provide for the appointment of a Chief Deputy Tax Collector by the elected Jefferson County Assistant

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Tax Collector, Bessemer Division, and to provide for compensation, funding and qualifications of said Chief Deputy.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 558, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Figures (With Notice and Proof):

S. 559. To authorize the governing body of Mobile County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Mobile County, on all taxable property situated within the special school tax district subject to the jurisdiction and control of the Board of School Commissioners of Mobile County, the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.35 on each one hundred dollars (13.5 mills on each dollar) of assessed value.

Committee on Local Legislation No. 3.

I hereby certify that the notice and proof is attached to the Bill, S. B. 559, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Figures (With Notice and Proof):

S. 560. Relating to Mobile County; to exempt from all county, local or municipal ad valorem taxes all property owned and used by the City Federation of Women's Clubs, Incorporated, a non-profit corporation; to make the provisions of the act retroactive to October 1, 1987.

Committee on Local Legislation No. 3.

I hereby certify that the notice and proof is attached to the Bill, S. B. 560, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Menton:

S. 561. To amend sections 12-18-55, 12-18-58, and 12-18-60, Code of Alabama 1975, to provide that district judges who have retired on or after January 1, 1981, or who have served 10 years as a district judge and have reached 70 years of age shall be eligible to retire, regardless of whether such service is continuous; to further provide spousal benefits for district judges equal to 3 percent of their state salary; to further provide that the amount of benefits received by retired district judges shall be computed based on a percentage of their state salary rather than the retirement pay received by circuit judges and to provide that such judges shall be entitled to the same cost-of-living increases as received by retired state employees.

Committee on Judiciary.

By Senator Figures:

S. 562. Relating to the Alabama Department of Forensic Sciences; to authorize the transfer of two drug chemists from the Mobile City Laboratory

into the Alabama Department of Forensic Sciences Mobile Laboratory; to authorize their appointment from the Certified List of Eligibles regardless of their standing on the list and to provide for any accrued retirement benefits to be handled as per current law.

Committee on Governmental Affairs.

By Senator Covington:

S. 563. To amend Sections 16-25-14 and 36-27-16, Code of Alabama 1975, relating to benefits under the teachers' and employees' retirement systems, so as to provide further for certain restrictions on persons drawing disability retirement benefits under such systems.

Committee on Finance and Taxation.

By Senators Bailey and Drinkard:

S. 564. To repeal Sections 13A-12-150 through 13A-12-159 and Sections 13A-12-170 through 13A-12-179, Code of Alabama 1975; to define obscene material; to define and prohibit the production of, the distribution of, the possession with intent to distribute, and the offer or agreement to produce or distribute obscene material for any thing of pecuniary value; to define and prohibit the public dissemination of obscene material; to define and prohibit the distribution to a minor, the possession with intent to distribute to a minor, the offer or agreement to distribute to a minor, and the display for sale of any material which is indecent for minors; to provide for criminal penalties; to provide for affirmative defenses; to provide for extradition; to provide for the preventing or enjoining by the circuit courts of any violation of this Act; to provide for preliminary and permanent injunctions and for certain immunities and further to provide that no bond shall be required of the official bringing the action; to provide for the forfeiture and disposition of obscene materials, material which is indecent for minors, moneys, negotiable instruments and funds and all proceeds or receipts derived, whether directly or indirectly, from obscene material, material which is indecent for minors, moneys, negotiable instruments and funds, used, intended to be used, or obtained by any person in violation of this Act; to provide for the forfeiture of a money judgment amount in lieu of certain property subject to forfeiture; to provide that the Alabama Red Light Abatement Act and city and county ordinances not in conflict with the substantive provisions of this act shall not be repealed by implication; to provide for the punishment under previously existing law of offenses committed prior to the effective date; and to provide for severability and for an effective date.

Committee on Education.

By Senator Bailey:

S. 565. To establish the "Community Schools Act"; to provide that the State Superintendent of Education shall recommend to the State Board of Education guidelines encouraging increased community involvement in the public schools and the use of public school facilities; to authorize the allocation by the State Board of Education to local boards of education for employment of community schools coordinators; and to provide for the establishment by local boards of education of community schools advisory councils in furtherance of the provisions of this act.

Committee on Education.

By Senator Ellis (With Notice and Proof):

S. 566. Relating to Shelby County; authorizing the county commission to provide for a certain increase in retirement benefits paid to its retired

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county employees and providing that such increase shall be financed from the county treasury.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 566, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hilliard:

S. 567. To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1989.

Committee on Finance and Taxation.

By Senator Hilliard (With Notice and Proof):

S. 568. To provide that in any Class 1 municipality any racing commission is designated as the primary law enforcement agency to enforce the provisions relating to horse racing in Class 1 municipalities; to provide access by such commission to any law enforcement records pertaining to enforcement of any provisions relating to horse racing in Class 1 municipalities; and to authorize such commission to enter into cooperative agreements with certain law enforcement agencies.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 568, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Barron:

S. 569. To make an appropriation to the Alabama Public Library Service for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

Committee on Finance and Taxation.

By Senator Barron:

S. 570. To make an appropriation to the Department of Finance for the Telephone Revolving Fund for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

Committee on Finance and Taxation.

By Senator Barron:

S. 571. To make an appropriation to the Alabama Academy of Honor for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended

under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

Committee on Finance and Taxation.

By Senator Barron:

S. 572. To make an appropriation to the Legislature for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

Committee on Finance and Taxation.

By Senator Barron:

S. 573. To make an appropriation to the Department of Education for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

Committee on Finance and Taxation.

By Senator Barron:

S. 574. To make an appropriation to the Alabama Board of Nursing for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

Committee on Finance and Taxation.

By Senator Barron:

S. 575. To make an appropriation to the Alabama Small Business Development Consortium for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

Committee on Finance and Taxation.

By Senator Barron:

S. 576. To make an appropriation to the State Building Commission for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

Committee on Finance and Taxation.

By Senator Barron:

S. 577. To make an appropriation to the Commission on Physical Fitness for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended

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under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

Committee on Finance and Taxation.

By Senator Barron:

S. 578. To make an appropriation to the Office of Prosecution Services for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

Committee on Finance and Taxation.

By Senator Barron:

S. 579. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

Committee on Finance and Taxation.

By Senator Barron:

S. 580. To make an appropriation to the Department of Mental Health and Mental Retardation for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

Committee on Finance and Taxation.

By Senator Barron:

S. 581. To make an appropriation to the Alabama Firefighters' Personnel Standards and Education Commission for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

Committee on Finance and Taxation.

By Senator Barron:

S. 582. To make an appropriation to the Examiners of Public Accounts for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

Committee on Finance and Taxation.

By Senator Barron:

S. 583. To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended

under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

Committee on Finance and Taxation.

By Senator Barron:

S. 584. To make an appropriation to the Alabama State Council on the Arts and Humanities for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

Committee on Finance and Taxation.

By Senator Barron:

S. 585. To make an appropriation to the Alabama Law Institute for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

Committee on Finance and Taxation.

By Senator Barron:

S. 586. To make an appropriation to the Alabama Department of Economic and Community Affairs for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

Committee on Finance and Taxation.

By Senator Barron:

S. 587. To make an appropriation to the Department of Youth Services for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

Committee on Finance and Taxation.

BUDGET ISOLATION RESOLUTION

Senator Denton, B. I. R., H. B. 94, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	Cabaniss	Drinkard	Holmes
Bailey	Covington	Ellis	Preuitt
Barron	deGraffenried	Hale	Sanders
Bedford	Denton	Hand	Smith (B)
Bennett	Dial		

—17

Nay: Senator Amari

—1

BILLS ON THIRD READING RESUMED

THE BILL:

H. 94. To amend Sections 27-3-28, 27-7-1, 27-7-2, 27-7-3, 27-7-4, 27-7-5, 27-7-6, 27-7-7, 27-7-8, 27-7-9, 27-7-10, 27-7-11, 27-7-13, 27-7-14, 27-7-16, 27-7-17, 27-7-18, 27-7-19, 27-7-28, 27-7-29, 27-7-30, 27-7-31, 27-7-33, 27-7-34 and to repeal Section 27-7-26 of the Code of Alabama 1975, relating to property, casualty and surety insurance representatives and exceptions to execution of contracts through a countersigning resident agent so as to further regulate such representatives, to allow certain insurance agencies to be licensed and to provide further for such exceptions.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Senators:	Bennett	Dial	Hand	
Amari	Cabaniss	Drinkard	Holmes	
Bailey	Covington	Ellis	Preuitt	
Barron	deGraffenried	Foshee	Sanders	
Bedford	Denton	Hale	Smith (B)	—19

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Holmes, B. I. R., H. B. 203, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	Covington	Ellis	Menton	
Barron	deGraffenried	Foshee	Preuitt	
Bedford	Denton	Hale	Sanders	
Bennett	Dial	Holmes	Smith (B)	
Cabaniss	Drinkard			—17

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

H. 203. To amend Sections 34-36-3, 34-36-4, 34-36-6 and 34-36-13 relating to electrical contractors, so as to authorize the board of electrical contractors to regulate and license certain master and journeyman electricians and to contract for an executive secretary.

was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Senators:	Bedsole	Dial	Holmes	
Amari	Cabaniss	Ellis	Menton	
Bailey	Covington	Foshee	Preuitt	
Barron	deGraffenried	Hale	Smith (B)	
Bedford	Denton	Hand		—18

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Ellis, B. I. R., S. B. 158, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	deGraffenried	Figures	Menton	
Bedford	Denton	Foshee	Mitchem	
Bedsole	Dial	Hale	Preuitt	
Cabaniss	Drinkard	Hand	Smith (B)	
Covington	Ellis			—17

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 158. To amend Section 9-11-45, Code of Alabama 1975, relating to a special license to hunt deer or turkey on state operated wildlife management areas, so as to provide for and increase the nonresident license fee.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 1.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Bailey	Covington	Figures	Preuitt	
Barron	deGraffenried	Foshee	Sanders	
Bedford	Dial	Hale	Smith (B)	
Bedsole	Drinkard	Hand		—18

Nay: Senator Amari —1

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 87. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of cosmetology as provided in Sections 34-7-1 through 34-7-47, Code of Alabama 1975, with certain modifications; to amend Section 34-7-40, Code of Alabama 1975, so as to require the boards rules be adopted in compliance with the administrative procedures statutes.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 91. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Funeral Service as provided in Sections 34-13-1 through 34-13-152, Code of Alabama 1975.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 84. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Securities Commission as provided in Sections 8-6-50 through 8-6-60, Code of Alabama 1975, with certain modifications; to amend Section 8-6-52, Code of Alabama 1975, so as to restrict members' terms of office to two (2) consecutive terms of office, effective upon the passage of this act.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 79. Relating to the Alabama Sunset Law; to continue the existence and functioning of the pilotage commission as provided in Sections 33-4-1 through 33-4-57, Code of Alabama 1975, with certain modifications; to amend Section 33-4-48, Code of Alabama 1975, so as to change the method of computing pilots' fees.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 81. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of examiners of mine personnel as provided in Sections 25-9-1 through 25-9-30, Code of Alabama 1975, with certain modifications; to amend Sections 25-9-9 and 25-9-15, Code of Alabama 1975, so as to limit members to two (2) consecutive terms of office; and allow reprimand as disciplinary action.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 86. Relating to the Alabama Sunset Law; to continue the existence and functioning of the examining board for professional entomologists, horticulturists, plant pathologists, floriculturists and tree surgeons as provided in Sections 2-28-1 through 2-28-12, Code of Alabama 1975, with certain modifications; to amend Sections 2-28-4 and 2-28-7, Code of Alabama 1975, so as to require a \$10.00 examination fee by the board; and to allow revocation by the commissioner or by the board of an individual's certification under Chapter 28, Title 2.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 75. Relating to the Alabama Sunset Law; to continue until October 1, 1989, the existence and functioning of the Insurance Department as provided in Sections 27-2-1 through 27-2-55, generally, and Section 27-2-1 specifically, Code of Alabama 1975, with certain modifications.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 85. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of auctioneers as provided in Sections 34-4-1 through 34-4-54, Code of Alabama 1975, with certain modifications; to amend Sections 34-4-21, 34-4-50, 34-4-53, and 34-4-54, Code of Alabama 1975, so as to provide for a one-year limit on the grandfather clause; to establish penalties for late renewals of licensees of the board; to require board rules be adopted pursuant to the administrative procedure statutes; to limit board members to two (2) consecutive terms of office; to remove the annual limit of expenses of the board; and to transfer the board's funds to the state treasury.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

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S. 77. Relating to the Alabama Sunset Law; to continue the existence and functioning of the plumbing examiners board as provided in Section 40-12-145, Code of Alabama 1975.

JOHN W. PEMBERTON,
Clerk.

BUDGET ISOLATION RESOLUTION

Senator Figures, B. I. R., S. B. 100, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	deGraffenried	Figures	Manley	
Barron	Denton	Foshee	Preuitt	
Bedford	Dial	Hale	Sanders	
Bedsole	Drinkard	Hand	Smith (B)	
Bennett	Ellis			—17

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 100. To provide that the Judicial Inquiry Commission's investigative and litigation costs shall be paid out of the funds appropriated annually to the court costs fund or funds; and to provide for repayment of any refunded or recaptured amounts to the court cost fund or general fund.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Bedsole	Drinkard	Hand	
Amari	Bennett	Ellis	Manley	
Bailey	deGraffenried	Figures	Preuitt	
Barron	Denton	Foshee	Smith (B)	
Bedford	Dial	Hale		—18

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 78. Relating to the Alabama Sunset Law; to continue the existence and functioning of the public service commission as provided in Section 37-1-1, Code of Alabama 1975.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 83. Relating to the Alabama Sunset Law; to continue the existence and functioning of the state board of public accountancy as provided in Sections 34-1-1 through 34-1-22, Code of Alabama 1975, with certain modifications to amend Section 34-1-3, Code of Alabama 1975, so as to: preserve one public accountant on the board; to provide board members the same per diem and allowance as state employees; and to provide for confidentiality of board records.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 89. Relating to the Alabama Sunset Law; to continue the existence and functioning of the liquefied petroleum gas board as provided in Sections 9-17-100 through 9-17-110, Code of Alabama 1975, with certain modifications; to amend Sections 9-17-101, 9-17-103 and 9-17-105, Code of Alabama 1975, so as to limit board members to two (2) consecutive terms of office; to specify rules and regulations of the board be adopted in accordance with state administrative procedure statutes; and to modify insurance requirements.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 88. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of social work examiners as provided in Sections 34-30-1 through 34-30-58, Code of Alabama 1975, with certain modifications; to amend Sections 34-30-27, 34-30-33, 34-30-50, 34-30-51 and 34-30-57, Code of Alabama 1975, so as to provide further for the grandfather clause; to provide penalties for unlawful practices; to limit terms of office to 2 consecutive terms; and to specify board rules be adopted pursuant to administrative procedures law.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 74. Relating to the Alabama Sunset Law; to continue the existence and functioning of the real estate commission as provided in Sections 34-27-1 through 34-27-38, Code of Alabama 1975, with certain modifications; to amend Sections 34-27-3, 34-27-7, 34-27-8, 34-27-31, 34-27-32, 34-27-33, 34-27-34, 34-27-35, and 34-27-37, Code of Alabama 1975, so as to delete references to certain activities of nonresident real estate brokers pursuant to a stipulation of settlement of a United States District Court Order of the Middle District of Alabama, Northern Division (CA 87-T-335-N), styled "Georgia Association of Realtors vs. Alabama Real Estate Commission"; to limit the original seven members of the commission to two (2) consecutive terms of office; to limit the commission's travel and per diem to the rate paid to state employees; to add one (1) additional member to the board who shall be a black voting member appointed at large from among the U.S. Congressional Districts on a rotating basis; to require the rules of the commission be adopted pursuant to the state administrative procedure statutes; to provide that an aggrieved party may recover from the commission's recovery fund only for damages sustained within the state; and to provide further for the educational requirements, testing requirements and other requirements of the licensees of the board; and to provide further for re-hearings of the board.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

Senator Manley offered the following Senate Joint Resolution, to-wit:

S. J. R. 130. ADJOURNMENT RESOLUTION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two Houses adjourn today, Thursday, March 24, 1988, they adjourn to meet again on Monday, March 28, 1988.

On motion of Senator Manley, the Rules were suspended and the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B. I. R., S. B. 313, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	Bennett	Ellis	Hand
Bailey	deGraffenried	Figures	Preuitt
Barron	Denton	Foshee	Sanders
Bedford	Dial	Hale	Smith (B)
Bedsole	Drinkard		

—17

Nay: Senator Amari

—1

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 313. To amend Section 15-10-3, Code of Alabama 1975, which provides the circumstances under which a law enforcement officer may arrest without a warrant, so as to provide that a law enforcement officer may arrest without a warrant in certain domestic abuse cases and when an officer has reasonable grounds to believe that a warrant for the person's arrest has been issued in this state.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 17; Nays 1.

Yeas:

Senators:	Cabaniss	Drinkard	Hand
Amari	Covington	Ellis	Holmes
Bailey	deGraffenried	Figures	Preuitt
Bedsole	Denton	Hale	Sanders
Bennett	Dial		

—17

Nay: Senator Bedford

—1

MOTIONS IN WRITING

Senator Drinkard, at the request of Senator Goodwin, offered the following Motions in Writing, to-wit:

I move that the Bill, S. B. 15, on page 5 of the 15th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, S. B. 8, on page 25 of the 15th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, S. B. 11, on page 76 of the 15th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which were adopted, and the President and Presiding Officer of the Senate ordered said Bills, S. B.'s 15, 8, and 11, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 216. URGING THE MEMBERS OF THE UNITED STATES SENATE AND THE UNITED STATES HOUSE OF REPRESENTATIVES FROM THE STATE OF ALABAMA TO SUPPORT LEGISLATION EXCLUDING THE MOVING OF GARBAGE FROM ONE STATE TO ANOTHER FROM THE INTERSTATE COMMERCE ACT.

Also:

H. J. R. 166. PETITIONING THE U.S. CONGRESS NOT TO COUNT ILLEGAL ALIENS FOR THE PURPOSE OF THE 1990 FEDERAL DE-CENNIAL CENSUS.

On motion of Senator Drinkard, the Resolutions, H. J. R.'s 216 and 166, were concurred in and adopted by the Senate.

MOTION IN WRITING

Senator Denton offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 152, on page 18 of the 15th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 152, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 56. CREATING THE ALABAMA ENVIRONMENTAL IN-STITUTE COUNCIL.

Senator Amari offered the following amendment to the Resolution, S. J. R. 56, to-wit:

AMENDMENT TO S. J. R. 56

Amend S. J. R. No. 56 Page 1 Line 24, by striking out one after the word appoint and striking out the word "one" on line 25 after the word appoint and inserting the word "three".

Which was adopted.

And on motion of Senator Cabaniss, the Resolution, S. J. R. 56, as thus amended, was adopted by the Senate.

RESOLUTION

Senator Bedford offered the following Senate Resolution, to-wit:

S. R. 131. CONGRATULATING VICKI THIGPEN OF FAYETTE, ALABAMA, AS UNIVERSITY OF ALABAMA'S MOST OUTSTANDING CHEERLEADER.

Which was filed.

MOTION IN WRITING

Senator Covington offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 386, on page 38 of the 15th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 386, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to request the Senate to return to the House for further consideration of the bill:

S. 74. Relating to the Alabama Sunset Law; to continue the existence and functioning of the real estate commission as provided in Sections 34-27-1 through 34-27-38, Code of Alabama 1975, with certain modifications; to amend Sections 34-27-3, 34-27-7, 34-27-8, 34-27-31, 34-27-32, 34-27-33, 34-27-34, 34-27-35, and 34-27-37, Code of Alabama 1975, so as to delete references to certain activities of nonresident real estate brokers pursuant to a stipulation of settlement of a United States District Court Order of the Middle District of Alabama, Northern Division (CA 87-T-335-N), styled "Georgia Association of Realtors vs. Alabama Real Estate Commission"; to limit the original seven members of the commission to two (2) consecutive terms of office; to limit the commission's travel and per diem to the rate paid to state employees; to add one (1) additional member to the board who shall be a black voting member appointed at large from among the U.S. Congressional Districts on a rotating basis; to require the rules of the commission be adopted pursuant to the state administrative procedure statutes; to provide that an aggrieved party may recover from the commission's recovery fund only for damages sustained within the state; and to provide further for the educational requirements, testing requirements and other requirements of the licensees of the board; and to provide further for re-hearings of the board.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Senate acceded to the request of the House for the return of the Bill, S. B. 74, the title of which is set out in the foregoing Message from the House.

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 102. COMMENDING GOVERNOR GUY HUNT ON HIS TOLL ROAD PROPOSITIONS AND URGE HIM TO CONTINUE HIS EFFORTS IN COOPERATION WITHIN THE ALABAMA TOLL ROAD, BRIDGE AND TUNNEL AUTHORITY.

On motion of Senator Drinkard, said Resolution was adopted by the Senate.

RESOLUTION

Senators Drinkard, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial,

Dixon, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Joint Resolution, to-wit:

S. J. R. 132. MOURNING THE DEATH OF MR. A. F. "BUSTER" McMINN OF CULLMAN COUNTY.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the death of Mr. A. F. "Buster" McMinn of Cullman County, on March 22, 1988, at the age of 90 years; and

WHEREAS, he was a man of integrity and dignity, loyal to his friends, devoted to his family, and dedicated in his sense of duty and responsibility to his community and state; and

WHEREAS, Mr. McMinn, throughout his life, exhibited the admirable attributes of friendliness, devotion to duty, and concern for his fellowman; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, THAT we are deeply saddened by the death of Mr. A. F. "Buster" McMinn of Cullman, Alabama, and extend our sincere and deepest sympathy to his wife, Carrie Folds McMinn, his sister, Allie Blalock, his daughters, Aline McMinn Zimmerman and Frances Glasscock Mims, and his sons, Amiel B. McMinn, Gene Glasscock, and especially to his son George F. McMinn, who has served the Legislature as an Executive Security Officer for Speaker Tom Drake and now for Lt. Governor Jim Folsom, Jr., whose sorrow we share and for whom a copy of this resolution shall be provided.

On motion of Senator Drinkard, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 79. Relating to the Alabama Sunset Law; to continue the existence and functioning of the pilotage commission as provided in Sections 33-4-1 through 33-4-57, Code of Alabama 1975, with certain modifications; to amend Section 33-4-48, Code of Alabama 1975, so as to change the method of computing pilots' fees.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 133. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE, THAT pursuant to Rule 9 of the Senate Rules, the regular order of business is set aside and the following order of business is the paramount and continuing order of business taking precedence over all other matters for the fifteenth legislative day of the 1988 Regular Session only:

Inst Id	Page
S. 245	18

Manufactured Housing Commission Recovery Fund, created.

On motion of Senator Drinkard, the Resolution was adopted by the Senate.

Yeas 10; Nays 9.

Yeas:

Senators:	deGraffenried	Ellis	Preuitt	
Bedford	Dial	Hale	Smith (B)	
Cabaniss	Drinkard	Hand		—10

Nays:

Senators:	Corbett	Hilliard	Manley	
Amari	Covington	Langford	Parsons	
Bennett	Figures			—9

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills and House Joint Resolution, your signature thereto is requested.

H. 143. Relating to Tallapoosa County; providing for an advisory referendum on the question of whether the members of the county commission shall serve on a full-time or part-time basis commencing with their next terms of office.

Also:

H. 144. Relating to Tallapoosa County; requiring the county commission to offer for public auction to the highest bidder for cash surplus county property; providing that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Tallapoosa County; providing that the first publication of said notice shall be 20 days before the said auction; providing a procedure for the conduct of said auction; and providing that all proceeds from the sale of said property shall be paid into the general fund of the county.

Also:

H. 437. Relating to Tallapoosa County; providing for the mode of construction, maintenance and repair of public roads, highways, bridges and

ferries under the county unit system; authorizing and requiring the county commission to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county commission in relation to the roads, highways, bridges and ferries of Tallapoosa County; prohibiting the performance of certain work on private property; providing civil fines for violations; and providing for an effective date.

Also:

H. J. R. 168. COMMENDING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FOR THEIR VISION AND LEADERSHIP AND CONGRATULATING THE BOEING COMPANY ON THEIR ROLES IN DEVELOPING AMERICA'S SPACE STATION.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 94. To amend Sections 27-3-28, 27-7-1, 27-7-2, 27-7-3, 27-7-4, 27-7-5, 27-7-6, 27-7-7, 27-7-8, 27-7-9, 27-7-10, 27-7-11, 27-7-13, 27-7-14, 27-7-16, 27-7-17, 27-7-18, 27-7-19, 27-7-28, 27-7-29, 27-7-30, 27-7-31, 27-7-33, 27-7-34 and to repeal Section 27-7-26 of the Code of Alabama 1975, relating to property, casualty and surety insurance representatives and exceptions to execution of contracts through a countersigning resident agent so as to further regulate such representatives, to allow certain insurance agencies to be licensed and to provide further for such exceptions.

Also:

H. 203. To amend Sections 34-36-3, 34-36-4, 34-36-6 and 34-36-13 relating to electrical contractors, so as to authorize the board of electrical contractors to regulate and license certain master and journeyman electricians and to contract for an executive secretary.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing

Bills, the titles of which are set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Bedford, B. I. R., S. B. 245, adopted.

Yeas 12; Nays 0.

Yeas:

Senators:	Dial	Foshee	Mitchem	
Bedford	Drinkard	Hale	Preuitt	
Cabaniss	Ellis	Hand	Smith (B)	
deGraffenried				—12

Nays: —0

The President and Presiding Officer declared a quorum was present but not voting.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the second special, paramount, and continuing order of business for today, which was the Bill:

S. 245. To create the Alabama Manufactured Housing Commission Recovery Fund; to insure that purchasers of manufactured homes have a forum for addressing complaints regarding said homes; to create a fund to compensate said purchasers if their complaints are not remedied; and to provide that consumer complaints regarding manufactured houses shall be heard by the Alabama Manufactured Housing Commission, an independent state agency, in accordance with the terms of the Alabama Administrative Procedure Act.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 245, to-wit:

AMENDMENT TO S. B. 245

Amend Senate Bill 245 on Page 2, line 5 by deleting the words "The Alabama Manufactured" and lines 6 through 8 in their entirety.

Further amend Senate Bill 245 on Page 3, line 15, by deleting the words "and all such fees are hereafter appropriated to the" and line 16 in its entirety. Further amend Senate Bill 245 Page 3, line 15 by inserting a period " ." after the year "1988".

Further amend Senate Bill 245 on Page 4, by deleting lines 3 through 10 in their entirety and substituting in lieu thereof the following:

"(1) All assessment fees, interest, penalties or any other revenues collected or generated under this act shall be deposited in the state treasury to be held in a separate account and designated as the Alabama Manufactured Housing Commission Recovery Fund."

Further amend Senate Bill 245 on Page 4, line 11, by deleting the words "over the" and on line 12 by deleting the word "fund."

Further amend Senate Bill 245 on Page 4, line 15, by deleting the words "approved by the Commission" and also deleting lines 16 through 19 in their entirety and substituting in lieu thereof the following:

"budgeted and allotted according to the provisions of Sections 41-4-80 through 41-4-96 and Sections 41-19-1 through 41-19-12 of the Code of Alabama, 1975, and only in the amounts and for the purposes provided by the legislature in the general appropriation bill or other appropriation bill; and provided further, that any funds unspent and unencumbered at the end of each fiscal year shall not revert to the state general fund, but shall carry forward to the succeeding fiscal year for the use of the commission."

Further amend S. B. 245 on Page 1, Line 14, by adding the following:

"and to limit civil actions as so stated in the bill."

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 166. PETITIONING THE U.S. CONGRESS NOT TO COUNT ILLEGAL ALIENS FOR THE PURPOSE OF THE 1990 FEDERAL DECENNIAL CENSUS.

Also:

H. J. R. 216. URGING THE MEMBERS OF THE UNITED STATES SENATE AND THE UNITED STATES HOUSE OF REPRESENTATIVES FROM THE STATE OF ALABAMA TO SUPPORT LEGISLATION EXCLUDING THE MOVING OF GARBAGE FROM ONE STATE TO ANOTHER FROM THE INTERSTATE COMMERCE ACT.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 130. To amend Section 32-6-150, Code of Alabama 1975, as amended, relating to the issuance and sale of commemorative license tags for Troy State University, so as to provide for such tags to be issued for each public and private four year college and university located in Alabama to provide for the application, sale, fees and disposition of net revenues generated therefrom; to provide for the design of such tags for such colleges and

universities; deletes Section 32-6-152; amends Section 32-6-156; and to provide for an effective date.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF S. B. 245

The Senate proceeded to further consideration of the Bill, S. B. 245. The question was on the Committee amendment.

Senator Amari offered the following amendment to the Committee amendment to the Bill, S. B. 245, to-wit:

AMENDMENT TO AMENDMENT TO S. B. 245

Amend Senate Bill 245 on Page 2, line 5 by deleting the words "The Alabama Manufactured" and lines 6 through 8 in their entirety.

Further amend Senate Bill 245 on Page 3, line 15, by deleting the words ", and all such fees are hereafter appropriated to the" and line 16 in its entirety. Further amend Senate Bill 245 Page 3, line 15 by inserting a period " ." after the year "1988".

Further amend Senate Bill 245 on Page 4, by deleting lines 3 through 10 in their entirety and substituting in lieu thereof the following:

"(1) All assessment fees, interest, penalties or any other revenues collected or generated under this act shall be deposited in the state treasury to be held in a separate account and designated as the Alabama Manufactured Housing Commission Recovery Fund."

Further amend Senate Bill 245 on Page 4, line 11, by deleting the words "over the" and on line 12 by deleting the word "fund."

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 176. CREATING A JOINT LEGISLATIVE COMMITTEE ON THE FUTURE OF ALABAMA AND IMPLOING SUCH COMMITTEE TO STUDY THE REPORT OF THE SOUTHERN GROWTH POLICIES BOARD ENTITLED "HALFWAY HOME AND A LONG WAY TO GO" AND TO RECOMMEND HOW THIS STATE SHOULD PARTICIPATE IN THE IMPLEMENTATION OF THE TEN REGIONAL OBJECTIVES OUTLINED IN SUCH REPORT.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 142. Relating to Tallapoosa County; replacing the probate judge as chairman of the county commission and providing for each member of the county commission to serve as chairman on a rotational basis.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 130. ADJOURNMENT RESOLUTION.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 122. NAMING THE JAMES G. SASSER BUILDING, ON THE CAMPUS OF THE ALABAMA AVIATION AND TECHNICAL COLLEGE, OZARK, ALABAMA.

Also:

S. J. R. 126. COMMENDING BRANDON SPARKMAN FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE TO THE GUNTERSVILLE CITY SCHOOLS.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF S. B. 245

The Senate proceeded to further consideration of the Bill, S. B. 245. The question was on the Amari amendment to the Committee amendment.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 292. To provide for the establishment of a fund from which survivor allowances for spouses of deceased district or supernumerary district attorneys shall be paid; to provide requirements for eligibility for receipt of such benefits; to provide funding for the proper operations and maintenance of such fund; and to provide for the management of such fund.

BILL DRINKARD,
Chairperson.

FURTHER CONSIDERATION OF S. B. 245

The Senate proceeded to further consideration of the Bill, S. B. 245. The question was on the Amari amendment to the Committee amendment.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 130. To amend Section 32-6-150, Code of Alabama 1975, as amended, relating to the issuance and sale of commemorative license tags for Troy State University, so as to provide for such tags to be issued for each public and private four year college and university located in Alabama to provide for the application, sale, fees and disposition of net revenues generated therefrom; to provide for the design of such tags for such colleges and universities; deletes Section 32-6-152; amends Section 32-6-156; and to provide for an effective date.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 553. Relating to Mobile County; providing that the county commission or other like governing body of such county shall have the power to levy and collect additional privilege license taxes, excise taxes, and sales and use taxes, subject to any limitation of the Constitution of Alabama or of any general law of this state; providing that any such tax levied by said governing body shall become law either with or without a referendum in the sole discretion of said governing body; providing for the disposition of the proceeds of such taxes; and repealing conflicting laws.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 110. EXPRESSING LEGISLATIVE CONCERN WITH OUT-OF-STATE HOUSEHOLD GARBAGE.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 109. MOURNING THE DEATH OF MARIE KENDALL CLARK OF EUFAULA, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 102. COMMENDING GOVERNOR GUY HUNT ON HIS TOLL ROAD PROPOSITIONS AND URGE HIM TO CONTINUE HIS EFFORTS IN COOPERATION WITHIN THE ALABAMA TOLL ROAD, BRIDGE AND TUNNEL AUTHORITY.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Brooks, Hettinger, Freeman, and Butler:

H. J. R. 278. COMMENDING THE GRISSOM HIGH SCHOOL LADY TIGERS BASKETBALL TEAM FOR ITS EXCELLENT SEASON AND HUNTSVILLE CITY TITLE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Amari, the Rules were suspended and the Resolution, H. J. R. 278, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 123. COMMENDING THE AUBURN HIGH SCHOOL CONCERT BAND FOR DISTINGUISHED ACHIEVEMENT.

Also:

S. J. R. 127. COMMENDING JOHN B. BROOKSHIRE, JR., FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND COMMUNITY SERVICE.

Also:

S. J. R. 128. DESIGNATING THE CITY OF SHEFFIELD AS ALABAMA'S "SENIOR CITY U.S.A."

Also:

S. J. R. 111. COMMENDING LOUCRETIA HOLLINGSWORTH FOR DISTINGUISHED SERVICE TO THE GIRL SCOUT PROGRAM.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 132. MOURNING THE DEATH OF MR. A. F. "BUSTER" McMINN OF CULLMAN COUNTY.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF S. B. 245

The Senate proceeded to further consideration of the Bill, S. B. 245. The question was on the Amari amendment to the Committee amendment.

RESOLUTION

Senator Drinkard offered the following Senate Resolution, to-wit:

S. R. 134. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO S. B. 245.

BE IT RESOLVED BY THE SENATE OF THE ALABAMA LEGISLATURE, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning the pending bill, S. B. 245, a copy of which is attached to this resolution and made a part hereof by reference:

On the 15th legislative day, 19 Senators answered present to the roll call. S. B. 245 was brought before the Senate. A motion was offered by Senator Bedford to adopt a Budget Isolation Resolution for S. B. 245 titled, "Providing that the provisions of paragraph (C) of Amendment 448 to the 1901 Constitution of Alabama, known as 'The Budget Isolation Amendment,' shall not apply." Said Budget Isolation Resolution was voted upon. The President declared a quorum was present and said resolution was adopted by a vote of 12 Yeas and 0 Nays.

Is a 12 to 0 vote in favor of said budget isolation resolution with a declaration by the presiding officer that a quorum was present sufficient

to comply with the requirements of paragraph C of Constitutional Amendment 448 and therefore sufficient to permit S. B. 245 to proceed to final passage and to except said bill from the provisions of paragraph C of Constitutional Amendment 448?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient true copies of the pending bill, S. B. 245, and the budget isolation resolution to S. B. 245 and relevant pages of the journal to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

Senator Drinkard then offered the following substitute for the Resolution, S. R. 134, to-wit:

S. R. 134. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO S. B. 245.

BE IT RESOLVED BY THE SENATE OF THE ALABAMA LEGISLATURE, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning the pending bill, S. B. 245, a copy of which is attached to this resolution and made a part hereof by reference:

On the 15th legislative day, a sufficient number of Senators answered present to the roll call to constitute a quorum. S. B. 245 was brought before the Senate. A motion was offered by Senator Bedford to adopt a Budget Isolation Resolution for S. B. 245 titled, "Providing that the provisions of paragraph (C) of Amendment 448 to the 1901 Constitution of Alabama, known as 'The Budget Isolation Amendment,' shall not apply." Said Budget Isolation Resolution was voted upon. The President declared a quorum was present and later stated that 22 Senators were present, said resolution was adopted by a vote of 12 Yeas and 0 Nays.

Is a 12 to 0 vote in favor of said budget isolation resolution with a declaration by the presiding officer that a quorum was present sufficient to comply with the requirements of paragraph C of Constitutional Amendment 448 and therefore sufficient to permit S. B. 245 to proceed to final passage and to except said bill from the provisions of paragraph C of Constitutional Amendment 448?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient true copies of the pending bill, S. B. 245, and the budget isolation resolution to S. B. 245 and relevant pages of the journal to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

Senator Drinkard moved that said substitute be adopted.

Senator Hand offered a substitute motion that the Resolution, S. R. 134, and pending substitute, be referred to the Standing Committee on Rules, which motion was adopted.

POINT OF PERSONAL PRIVILEGE

Senator Corbett requested that the following statement of dissent, concerning the vote on the B. I. R. for S. B. 245, be spread upon the Journal, to-wit:

I would like the Journal to reflect that a question was raised for the purpose of determining if the 12 votes cast for the B. I. R. for S. B. 245

constituted 3/5's of the quorum present: the vote required by the Alabama Constitution.

The President of the Senate, Lt. Gov. Folsom, ruled that 22 Senators were present. He also ruled that 12 votes in the affirmative meet the Constitutional requirement.

In all due respect, I would like the Journal to reflect that 12 affirmative votes do not meet the Constitutional requirements of a 3/5's vote.

I further respectfully disagree with the President of the Senate when he had the Journal reflect only that a quorum was present when he had infact announced that there were 22 Senators present. One can only assume that this was done to circumvent the Constitutional requirement that to pass this B. I. R. would require in excess of 14 votes in the affirmative and further that there should be at least a quorum voting in some manner.

I would request that this dissent be spread upon the Journal of the Alabama State Senate on this 15th Legislative day, March 24, 1988.

MOTION TO ADJOURN

Senator Drinkard moved that when the Senate adjourns today, it adjourn to meet again on Monday, March 28, 1988, at 6 o'clock P.M., which motion was adopted.

FURTHER CONSIDERATION OF S. B. 245

The Senate proceeded to further consideration of the Bill, S. B. 245. The question was on the Amari amendment to the Committee amendment.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bill delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 79

Delivered to the Governor March 24, 1988, at 1 o'clock P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 4:55 P.M., on motion of Senator deGraffenried, in accordance with Motion heretofore adopted, and pending further consideration of the Bill, S. B. 245, the Senate adjourned until Monday, March 28, 1988, at 6 o'clock P.M.

SIXTEENTH LEGISLATIVE DAY

MONDAY, MARCH 28, 1988

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by the Reverend Jiles Williams, Jr., Pastor, New Providence Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Ravi Howard, St. James School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Figures	Manley	
Amari	Campbell	Foshee	Menton	
Bailey	deGraffenried	Goodwin	Mitchem	
Barron	Denton	Hale	Parsons	
Bedford	Dial	Hand	Preuitt	
Bedsole	Dixon	Hilliard	Rice	
Bennett	Drinkard	Horn	Sanders	
Bishop	Ellis	Langford	Smith (J)	—31

JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Fifteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Corbett, Covington, Holmes, and Smith (B) for today.

RECESS

At 6:15 P.M., on motion of Senator deGraffenried, the Senate took a recess subject to the call of the Chair.

The recess period having expired, at 7:30 P.M., the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, March 29, 1988, at 10 o'clock A.M.

Senator Goodwin offered a substitute motion that when the Senate adjourns today, it adjourn to meet again on Tuesday, March 29, 1988, at 1 o'clock P.M., which motion was adopted.

REPORTS OF COMMITTEES

Senator Drinkard, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 268. To amend Section 27-41-35, Code of Alabama 1975, which provides for investments of life, disability and burial insurance companies, so as to provide further for the miscellaneous investments authorized to be made by said companies.

Senator Drinkard, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Cabaniss and Bailey (With Amendment):

S. 450. To regulate the formation and operation of risk retention groups, whose primary activity consists of assuming and spreading the liability exposure of its members, by requiring that risk retention groups be licensed under the general liability insurance laws of Alabama; to restrict risk retention groups from providing insurance other than liability insurance; to provide for taxation of premiums; to prohibit deceptive or fraudulent practices; to prohibit certain acts regarding solicitation or sale of insurance by risk retention groups; to provide for notice and registration requirements of purchasing groups; to provide for penalties for violations by risk retention groups; and to authorize the commissioner of insurance to promulgate necessary rules and regulations for enforcement.

Senator Drinkard, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. White (L):

H. 435. To amend Sections 27-14-6, 27-15-5 and 27-15-19, Code of Alabama, 1975, the Alabama Insurance Code, to provide that a summary of

an application may be attached to a life or disability insurance policy or an annuity contract and when a summary of the application is so attached the policy and summary shall constitute the entire contract between the parties.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Bailey, Amari, and Bedford (With Substitute):

S. 278. To protect the hearing impaired public and to ensure the health, safety and welfare of the people of this state. State legislation is necessary to establish standards of competency and to impose penalties for those who violate the public trust for this field of health care.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Bedford and Amari:

S. 401. To provide for immunity from civil liability for certain physicians for statements made concerning patients in treatment programs for alcohol and drug abuse if said patients are in DUI court referral programs.

By Rep. Haynes:

H. 351. This bill provides for an exception to the confidentiality provision of Act 87-574 when a potential risk exists in the spread of a contagious disease by authorizing the State Board of Health to set restrictive guidelines for compliance and set penalties for violation.

By Reps. White (L), Mikell, Beasley, Butler, and Johnson (RG):

H. 434. To establish the Alabama Impaired Professionals' Committee; to provide that the State Board of Dental Examiners and the Board of Pharmacy shall have certain duties and obligations to promote early identification, intervention, treatment and rehabilitation of the professional within their jurisdictions and impaired by reason of illness, inebriation, excessive use of certain drugs, and controlled substances, alcohol, chemicals or other dependent forming substances, or as a result of physical or mental condition; to define the term impaired; to authorize the State Board of Dental Examiners and the Board of Pharmacy to contract with any nonprofit corporation for the creation of the Alabama Impaired Professionals' Committee; to provide for the functions and responsibilities of the committee under a contract between the State Board of Dental Examiners and the Board of Pharmacy and a nonprofit corporation or health provider professional association; to prescribe procedures for the reporting of information from the Alabama Impaired Professionals' Committee to the respective boards; to prescribe that a professional serving as a member of the Alabama Impaired Professionals' Committee shall not be liable to any person for any claim for damages as a result of any decision, opinion, investigation or action taken as a member of such committee; to provide that a nonprofit corporation or medical or health provider professional association shall not be liable to any person for damages for any action taken by the Alabama Impaired Professionals' Committee or any member thereof; to provide that all information, interviews, reports, statements, memorandum or other documents furnished to or produced by the Alabama Impaired Professionals' Committee and any findings,

conclusions, recommendations or reports of such committee shall be privileged and confidential and shall not be considered public records nor available for court subpoena or for discovery proceedings; to provide that the Alabama Impaired Professionals' Committee shall render annual reports to the respective state boards and shall report to the respective professional body any professional, within their respective jurisdiction, currently in the need of intervention, treatment, or rehabilitation who has failed or refused participation in programs of treatment or rehabilitation recommended by the committee; to provide that a report to the Alabama Impaired Professionals' Committee shall deem to be a report to the said boards, for the purpose of any mandated reporting of professional impairment otherwise provided for by law; to provide that where the said boards have cause to believe a dentist or pharmacist is impaired the board may cause an evaluation of such impaired professional to be conducted by the Alabama Impaired Professionals' Committee; to provide for the severability of the provisions of this act; to provide for cumulative effect; to provide for the repeal of all laws in conflict with this act; and to provide an effective date for this act.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Barron (With Substitute):

S. 569. To make an appropriation to the Alabama Public Library Service for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

By Senator Barron (With Substitute):

S. 570. To make an appropriation to the Department of Finance for the Telephone Revolving Fund for the fiscal ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

By Senator Barron (With Substitute):

S. 571. To make an appropriation to the Alabama Academy of Honor for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

By Senator Barron (With Substitute):

S. 572. To make an appropriation to the Legislature for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

By Senator Barron (With Substitute):

S. 573. To make an appropriation to the Department of Education for the fiscal year ending September 30, 1988, for educational purposes; to define

educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

By Senator Barron (With Substitute):

S. 574. To make an appropriation to the Alabama Board of Nursing for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

By Senator Barron (With Substitute):

S. 575. To make an appropriation to the Alabama Small Business Development Consortium for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

By Senator Barron (With Substitute):

S. 576. To make an appropriation to the State Building Commission for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

By Senator Barron (With Substitute):

S. 577. To make an appropriation to the Commission on Physical Fitness for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

By Senator Barron (With Substitute):

S. 578. To make an appropriation to the Office of Prosecution Services for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

By Senator Barron (With Substitute):

S. 579. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

By Senator Barron (With Substitute):

S. 580. To make an appropriation to the Department of Mental Health and Mental Retardation for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

By Senator Barron (With Substitute):

S. 581. To make an appropriation to the Alabama Firefighters' Personnel Standards and Education Commission for the fiscal year ending

September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

By Senator Barron (With Substitute):

S. 582. To make an appropriation to the Examiners of Public Accounts for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

By Senator Barron (With Substitute):

S. 583. To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

By Senator Barron (With Substitute):

S. 584. To make an appropriation to the Alabama State Council on the Arts and Humanities for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

By Senator Barron (With Substitute):

S. 585. To make an appropriation to the Alabama Law Institute for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

By Senator Barron (With Substitute):

S. 586. To make an appropriation to the Alabama Department of Economic and Community Affairs for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

By Senator Barron (With Substitute):

S. 587. To make an appropriation to the Department of Youth Services for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Horn and Cabaniss:

S. 214. To make an appropriation from the Alabama Special Educational Trust Fund to the Southern Research Institute for the fiscal year

1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

By Senator Rice:

S. 200. To make an appropriation for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1989.

By Senator Preuitt:

S. 209. To make an appropriation for the support and maintenance of Sylacauga Nurses Training School for the fiscal year ending September 30, 1989.

By Senator Preuitt:

S. 210. To make an appropriation for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1989.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bishop (With Amendment):

S. 294. To make an appropriation for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1989.

By Senator Sanders (With Amendment):

S. 335. To make an appropriation for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1989.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Dixon, Mitchem, Cabaniss, Hand, Ellis, Campbell, Covington, Bailey, Amari, Dial, deGraffenried, Bedford, Manley, Hale, Barron, Drinkard, Bedsole, Smith (J), Horn, Bennett, Figures, and Preuitt:

S. 336. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Shakespeare Festival for the fiscal year 1988-89 and to require an operations plan and audited financial statement prior to release of any funds; to require the condition of the donation of certain student tickets; to require the continuation of student discounts; and to require the reversion of funds appropriated upon certain violations of the provisions of this act.

By Senator Campbell:

S. 62. To amend Section 36-1-4.1, Code of Alabama 1975, which provides for payroll deductions of public employees for certain national health services, so as to include Mental Health Association in Alabama, Inc., and National Council on Alcoholism, Inc., Alabama Division, within the definitions of charitable organizations as used in this section.

By Reps. Butler and Clark (J):

H. 463. To amend Section 40-12-4 of the Code of Alabama 1975; to provide that proceeds from the franchise, excise and privilege license taxes therein authorized to be levied by the governing body of any county may be used for any public school purpose in such county, including capital improvements and the payment of debt service on obligations issued therefor; to provide that such amendment of said Section 40-12-4 is declarative of existing law respecting the use of proceeds from such taxes for public school purposes and that such amendment shall therefore have both a prospective and a retroactive or retrospective operation; and to authorize the use for any public school purpose of proceeds from taxes heretofore levied pursuant to said Section 40-12-4.

By Senator Bishop:

S. 444. To make an appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

By Senator Denton:

S. 479. To provide for a supplemental appropriation from the general fund to the Board of Pardons and Paroles for the fiscal year ending September 30, 1988 to be used in hiring, training and equipping Probation and Parole Officers.

By Senator Denton:

S. 154. To amend further section 36-29-1 of the Code of Alabama 1975, relating to the definition of "employee" under the state employees' health insurance plan, so as to include within the definition any employee who worked at least 10 years for the state highway department in "captive county" circumstances and who was transferred to county employment upon the adoption of article 3A, chapter 1, Title 23, Code of Alabama 1975.

By Senator Bennett:

S. 104. To amend Sections 36-21-68, 36-21-71, 36-21-74, and 36-21-76, Code of Alabama 1975, relating to the Alabama Peace Officers' Annuity and Benefit Fund, so as to eliminate purchasing of past service by new members of the fund; and to provide further for disability benefits and continued membership.

By Senator Mitchem:

S. 317. To designate the official state championship horse show of Alabama.

By Senator Hale:

S. 407. To amend sections 41-16-20 and 41-16-24, Code of Alabama 1975, to change from \$2,000.00 to \$5,000.00 the minimum amount at which state purchases and contracts are to be made and let by competitive bid.

By Senator Hale:

S. 411. To amend Section 44-1-29, Code of Alabama 1975, so as to remove the \$500.00 minimum figure for competitive bidding for purchases and contracts made or let by the Department of Youth Services.

By Senator Dial:

S. 482. To propose an amendment to the Constitution of Alabama of 1901, that will authorize funds held in the Alabama Heritage Trust Fund to be invested in the same manner as funds held in the Alabama Trust Fund are now authorized to be invested, and will provide that any capital gains realized from the sale of any investments held in either the Alabama Heritage Trust Fund or the Alabama Trust Fund shall become a part of the trust capital of the fund in which such investments were held.

The above Bill was read a second time at length as required by the Constitution.

By Senator deGraffenried:

S. 254. To provide for a cost-of-living increase to certain retirees and beneficiaries receiving a monthly benefit from the Employees' Retirement System of Alabama and to provide that no person whose retirement under the Employees' Retirement System of Alabama is based on fifty-one percent or more service as an employee of an employer participating under section 36-27-6, Code of Alabama 1975, shall be entitled to receive said increase unless the employer by which he was employed at the time of his retirement elects to come under the provisions of this act. To further provide for an adjustment in said increase for beneficiaries and for those retirees who elected a monthly survivor option; to provide for the funding of such benefits; and to provide that no person shall be entitled to receive the benefits granted herein if receipt of such will jeopardize such person's eligibility to receive Medicaid benefits.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator deGraffenried (With Substitute):

S. 255. To amend Sections 40-6-3 and 40-6-4, Code of Alabama 1975, relating to the compensation and benefits paid to supernumerary tax assessors, tax collectors, revenue commissioners, license commissioners or other elected officials charged with the assessment and/or collection of county ad valorem taxes, so as to provide for a surviving spouse benefit.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Turner (With Amendment):

H. 468. To provide for a limitation on the total cost of license plates, taxes and license fees for motorized recreational vehicles; to return the taxation of such vehicles to the rates, weights and amounts that existed prior to 1984; and to exempt motorized recreational vehicles from the provisions of section 40-12-248 of the Code of Alabama 1975.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following

bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Covington:

S. 435. To amend Section 12-18-87, Code of Alabama 1975, which provides for the benefits for probate judges so as to provide, in addition to benefits now received, a graduated percentage cost-of-living increase to all spouses of probate judges retired under the Judicial Retirement Fund of Alabama.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senators Hale, Holmes, Campbell, Bedsole, Bailey, and Mitchem (With Amendments):

S. 171. To establish a condemnation law of the State of Alabama for vehicles and equipment used in maliciously setting woodland or grassland fires and to further set forth a procedure whereby vehicles and equipment used in connection with such unlawful acts be condemned by appropriate authorities and the same sold or awarded by court order to the State Forester for use or resale in enforcement of Section 9-13-11 (a) (1) of the Code of Alabama 1975.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Covington:

S. 307. To amend Section 32-5A-7, Code of Alabama 1975, in that the section shall not apply to any publicly owned police vehicle operated by or under the direction of a police officer in the surveillance, apprehension, or attempted apprehension of persons charged or suspected of violating any law when in the officer's best judgement a silent and inconspicuous approach would be in the best interest of the officer and public safety.

By Senators Cabaniss, Rice, Dial, Bennett, Barron, and Hale:

S. 534. To provide the procedure under which a moldier may dispose of molds, dies or patterns used for pouring plastic or casting metal absent a written agreement.

By Rep. Butler:

H. 13. To amend section 6-5-332.1, Code of Alabama 1975, relating to the granting of civil immunity to persons assisting or advising as to the mitigation of the effects of hazardous materials, so as to grant civil immunity to hazardous material handling teams operated by the state or a county, municipality or other political subdivision.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with

a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Penry, Richardson, Blakeney, Carter, McMillan, and Moon:

H. 199. To further provide for the license year of certain hunting and fishing licenses; to amend Section 9-11-32, Code of Alabama 1975, as last amended, relating to the license year for hunting and fishing licenses generally, so as to generally provide for a license year of from August 1 to July 31 of each year, unless specifically provided otherwise; and to amend Section 9-11-33, Code of Alabama 1975, as last amended, relating to the numbering, delivery, and return of hunting and fishing licenses, so as to further provide for the delivery and return of said licenses.

By Reps. Blakeney, Mikell, Breedlove, Moon, McKee, Penry, and Hooper:

H. 201. To amend Section 33-5-13, Code of Alabama 1975, relating to the term of certain certificates and licenses issued by the marine police division of the department of conservation and natural resources, so as to provide for a staggered vessel registration system.

By Reps. Hettinger, Butler, Freeman, Richardson, and Rains:

H. 342. To provide for the conservation of the natural resources of the State; designating the caves and caverns of the State and the flora, fauna, mineral deposits and formations therein as worthy of preservation, protection and development for scenic, scientific, recreational, business and commercial purposes; protecting the rights of property owners and the general public in caves; to provide for liability for certain acts, to prohibit vandalism and pollution; to designate certain acts relative to caves and their contents as criminal offenses and to prescribe penalties therefor.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Rice:

S. 521. To amend sections 16-33B-1, 16-33B-3 and 16-33B-4, Code of Alabama 1975, relating to the Alabama guaranteed student loan program, so as to define approved lender, student loans, Federal Student Loan Law and eligible institution; to provide program administration in accordance with the Federal Student Loan Law; to provide for basic powers and duties of the Alabama Commission on Higher Education in accordance with the Federal Student Loan Law; to promote the availability of the Alabama guaranteed student loan program; and to service loans.

By Senator Rice:

S. 522. To amend Sections 16-6A-12 and 16-6A-13, Code of Alabama 1975, which provide for the Educational Reform Act of 1984, so as to provide further for eligibility for and repayment of scholarship loans for teacher education programs in critical needs areas.

Senator deGraffenried, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a

favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Denton:

S. 529. To propose an amendment to the Constitution of Alabama of 1901, as amended, which relates to the authority of the Alabama music hall of fame board to constitute an authority to issue general obligation bonds for capital outlay purposes and for the purposes for which it was created and to prescribe the powers thereof; to provide for the operation of the board as such authority, the allocation and expenditure of funds; to provide for exemptions from any and all taxes of any nature whatsoever; to provide that in the event appropriations, current revenues or bond proceeds are insufficient to cover costs, the state of Alabama shall pledge its full faith and credit; to provide that the legislature may enact subsequent legislation relating to said music hall supplemental to this amendment or in furtherance of the purposes and objectives of the provisions not in conflict herewith; and to provide that this amendment shall be self-executing when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of Alabama of 1901, as amended.

The above Bill was read a second time at length as required by the Constitution.

Senator Foshee, Vice Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. White (F) (With Notice and Proof):

H. 266. Relating to Escambia County; providing for additional clerks for the judge of probate for the Atmore Satellite Courthouse.

By Rep. White (F) (With Notice and Proof):

H. 267. To fix the fee for the issuance of pistol permits in Escambia County and provide for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund and provide for the use of such fund and an effective date.

By Rep. White (F) (With Notice and Proof):

H. 268. Relating to Escambia County; repealing Act No. 86-722, H. 5, 1986 1st Special Session, relating to the election of the chairman of the county commission.

By Rep. White (F) (With Notice and Proof):

H. 269. Relating to Escambia County; to provide a procedure for handling cases involving invalid checks given for licenses, and the voiding of such licenses.

By Rep. White (F) (With Notice and Proof):

H. 319. Relating to Escambia County; providing for additional assistants for the county tax assessor and tax collector for the Atmore Satellite Courthouse.

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that the following Bill has been placed on the Consent Calendar for today, to-wit:

By Senators Holmes, Covington, Foshee, and Denton:

S. 421. To amend Sections 8-17-210, 8-17-211, 8-17-213, 8-17-221, and 8-17-222, Code of Alabama 1975, which sections provide for the regulation of fireworks in Alabama, so as to provide further for such regulation.

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that the following Bill has been returned to the end of the Regular Order Calendar, to-wit:

By Senator Holmes:

S. 468. To promulgate "The Construction Equipment Franchise Act" in order to provide for the regulation of construction equipment manufacturers, distributors, wholesalers, dealers and their representatives; to provide for the regulation of dealings and transactions between manufacturers and distributors or wholesalers and their dealers; to prohibit unfair and deceptive trade practices; and to prescribe remedies for violation of the provisions hereof.

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, with substitute, the Drinkard substitute having been tabled in committee, to-wit:

S. R. 134. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO S. B. 245.

The Standing Committee on Rules then reported the following substitute for the Resolution, S. R. 134, to-wit:

SUBSTITUTE FOR S. R. 134

S. R. 134. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO S. B. 245.

BE IT RESOLVED BY THE SENATE OF THE ALABAMA LEGISLATURE, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning the pending bill, S. B. 245, a copy of which is attached to this resolution and made a part hereof by reference:

On the 15th legislative day, a sufficient number of Senators answered present to the roll call to constitute a quorum. S. B. 245 was brought before the Senate. A motion was offered by Senator Bedford to adopt a Budget Isolation Resolution for S. B. 245 titled, "Providing that the provisions of paragraph (C) of Amendment 448 to the 1901 Constitution of Alabama, known as 'The Budget Isolation Amendment,' shall not apply." Said Budget Isolation Resolution was voted upon. The President declared a quorum was present and later stated that he observed between 19 and 22 Senators on the floor at the time of the vote. Said resolution was adopted by a vote of 12 Yeas and 0 Nays.

1. Is a 12 to 0 vote in favor of said budget isolation resolution with a declaration by the presiding officer that a quorum was present sufficient to comply with the requirements of paragraph C of Constitutional Amendment 448 and therefore sufficient to permit S. B. 245 to proceed to final passage and to except said bill from the provisions of paragraph C of Constitutional Amendment 448?

2. Is a minimum of 18 Senators voting required to comply with the requirements of paragraph C of Constitutional Amendment 448 and therefore sufficient to permit S. B. 245 to proceed to final passage and to except said bill from the provisions of paragraph C of Constitutional Amendment 448?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient true copies of the pending bill, S. B. 245, and the budget isolation resolution to S. B. 245 and relevant pages of the journal including all written dissents to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

Which was adopted.

And on motion of Senator Drinkard, said Resolution, S. R. 134, as thus amended by the substitute, was adopted by the Senate.

RESOLUTION

Senator Parsons offered the following Senate Resolution, to-wit:

S. R. 135. COMMENDING THE REVEREND JONATHAN MCPHERSON FOR DISTINGUISHED SERVICE TO THE MINISTRY.

Which was filed.

MOTION TO ADJOURN LOST

At 7:45 P.M., Senator deGraffenried moved that the Senate adjourn until Tuesday, March 29, 1988, at 1 o'clock P.M., which motion was lost.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Denton (With Notice and Proof):

S. 588. To amend Section 2 of Act No. 139, H. 90, First Special Session 1956, as amended, relating to the Office of Circuit Solicitor of the 31st Judicial Circuit of Alabama, and to provide for its retroactive effect.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 588, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Denton (With Notice and Proof):

S. 589. Relating to Lauderdale County; providing that due to the provisions of Section 12-17-92 of the Code of Alabama 1975, any salary increase

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paid to circuit judges shall automatically result in a supplemental salary increase for the circuit clerk.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 589, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Smith (J) (With Notice and Proof):

S. 590. Relating to Madison County; granting to the Madison County Commission the power to regulate and prevent the running at large of animals and to pass all laws necessary for the impounding and sale of such animals and the destruction of dogs.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 590, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bedford (With Notice and Proof):

S. 591. Relating to Fayette County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 591, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Barron (With Notice and Proof):

S. 592. Relating to DeKalb County; authorizing the County Board of Health to designate the services rendered by the County Board of Health for which a reasonable fee may be charged and set the appropriate fee therefor; to construe that no citizen shall be denied any service because of such person's inability to pay.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 592, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Barron (With Notice and Proof):

S. 593. To authorize the Jackson County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service.

No citizen shall be denied any service because of that person's inability to pay.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 593, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Cabaniss and Hilliard (With Notice and Proof):

S. 594. To authorize the Jefferson County Board of Health to designate services rendered by the health department under its control for which fees may be charged and to establish the appropriate fee for each service; to authorize the Jefferson County Board of Health to charge and collect fees for services designated pursuant to this act; to provide that all fees established and collected pursuant to this act shall be retained and used by the Jefferson County Board of Health; to provide that all fees established and collected pursuant to this act shall not replace, but shall supplement and be in addition to, any and all federal, state and local funds otherwise provided to the Jefferson County Board of Health; to provide conditions applicable to the establishment and modification of fees authorized pursuant to this act; to authorize the Jefferson County Board of Health to adopt and to alter rules and regulations for the implementation and administration of this act and to provide that fees charged pursuant to this act shall be established, modified and collected in accordance with such rules and regulations; to provide that fees for services shall not be charged to persons unable to pay and to provide for confidentiality in the determination of any persons's ability to pay; and to repeal all laws or parts of laws in conflict with this act to the extent applicable to Jefferson County.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 594, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Foshee:

S. 595. To amend Sections 27-40-1, 27-40-8, 27-40-9, 27-40-10, 27-40-12, Code of Alabama 1975, and to repeal Sections 27-40-15, 27-40-16, 27-40-17 and 27-40-18 of the Code of Alabama 1975, relating to insurance premium finance companies, so as to provide further for the regulation of such companies; to delete all references to and repeal any authorization for designated agents; to provide for a maximum service charge; to substantially alter the procedure for return of gross unearned premiums upon cancellation of the insurance contract; and to provide for time limits for the return of unearned premiums.

Committee on Banking and Insurance.

By Senator Rice:

S. 596. To be known as the Alabama alcoholic beverage control code; to regulate and control transactions in alcoholic beverages which take place in Alabama by alcoholic beverage control board; to provide for an alcoholic

beverage control board; to regulate and control transactions in alcoholic beverages which take place in Alabama and to prohibit such transactions except by and under the control of the board; to restrict the effect of the Code to wet counties and wet municipalities; to provide for the administration, functions, powers and regulations of, and for receipt, disposition and use of profits of, the board; to provide for the appointment, term of office, suspension, removal, compensation, costs and expenses of such board and its members, officers, agents and employees, and its administrator; to provide for the management and operation of and sales by state liquor stores; to provide for and fund an inventory fund for the board; to provide for a hearing commission or administrative law judge and for appointment, term of office, suspension, removal, compensation, costs and expenses and powers and duties and decisions, and provide for appeals from decisions, of the hearing commission or administrative law judge; to create a cost of evidence fund and provide for use thereof; to authorize licensing to engage in alcoholic beverage transactions, and provide for regulation for, and issuance and renewal of, and regulation of the grant of licenses; to impose and levy state, and authorize and limit county and municipal, filing and license fees for engaging in manufacture, import, warehousing, wholesale or retail sale of or transactions in alcoholic beverages; to proscribe unlawful acts and offenses and provide for punishment therefor; to prescribe penalties for any violation of the Code or any rule or regulation promulgated by the board and to provide punishment and alternate punishment therefor, including suspension or revocation of licenses and fines against licensees; to provide for non-taxable sales; to provide for refund on overpayment or erroneous payment on taxes and licenses to the board or any county or municipality; to provide penalties for failure to pay taxes collected and for execution for unpaid taxes and penalties; to provide for identification of certain alcoholic beverages and penalties for possession of unidentified alcoholic beverages and for the counterfeit or reuse of Alabama identification; to provide for licensee reports, records and inspections; to provide for confiscation of unidentified alcoholic beverages and vehicles used for transportation of unidentified alcoholic beverages and for the procedure for confiscation; to provide for an election to determine classification of county as wet or dry county; to provide for special method referendum to determine classification of county as wet or dry county and to impose conditions governing sales under special method; to provide for municipal option election to determine classification of municipalities as wet or dry municipalities; to provide for an election to determine whether or not alcoholic beverages can be sold on Sunday; to provide for the separation of business interests and exclusive sales territories; to provide for regulation of advertising alcoholic beverages; to define terms and to establish a legal drinking age; to repeal Chapters 1, 2, 2A, 3A, 6 and 8, and Chapter 3 except §§28-3-184, 28-3-190, 28-3-200 through 205, inclusive, 28-3-280, 28-3-281 and 28-3-284, and Chapter 7 except §28-7-16, Title 28, Code of Alabama 1975, as amended, and all other conflicting or inconsistent laws or parts of laws; to amend Title 28, Chapter 4, Code of Alabama 1975 to make the same consistent with the provisions of this Code; and to provide that the Code shall become effective on October 1, 1988.

Committee on State Development
and Tourism.

By Senator Rice:

S. 597. To amend sections 22-5A-2 through 22-5A-7, Code of Alabama 1975, relating to the "Long-Term Residential Health Care Recipient Ombudsman Act," so as to provide further for the state ombudsman and

community ombudsmen and their powers and duties under the commission on aging.

Committee on Public Welfare.

By Senators Rice, Dial, Dixon, Bedsole, and Cabaniss:

S. 598. To amend Section 16-22-6, Code of Alabama 1975, to provide for policies related to salary deductions, and purposes for which deductions may be made.

Committee on Public Welfare.

By Senator Rice:

S. 599. To amend section 12-14-15 of the Code of Alabama 1975, relating to the remittitur of fines and court costs by the mayor of a municipality and the commutation of sentences imposed by a municipal court pursuant to municipal ordinances or state law, so as to prohibit the same for offenses involving the driving of a vehicle while under the influence of alcohol or a controlled substance or the combined use thereof, as well as for offenses involving the driving of a vehicle while the driver's license is suspended or revoked due to a conviction of driving under the influence of alcohol or a controlled substance or the combined use thereof; and to provide for penalties for violations.

Committee on Judiciary.

By Senator Ellis:

S. 600. To amend Section 13A-7-29, Code of Alabama 1975, relating to criminal littering, so as to provide that certain types of litter shall constitute prima facie evidence of an individual's criminal actions.

Committee on Judiciary.

By Senator Menton:

S. 601. To amend Section 12-18-60, Code of Alabama 1975, to provide that a district judge must have served as a district court judge, intermediate court judge, or county court judge for five years to qualify for spousal benefits under Section 12-18-60, Code of Alabama 1975.

Committee on Judiciary.

By Senator Goodwin (With Notice and Proof):

S. 602. To fix the fee for the issuance of pistol permits in Dallas County and provide for the deposit of such fees in a fund known as the Sheriffs Law Enforcement fund and provide for the use of such fund and effective date.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 602, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Bailey, Rice, and Amari:

S. 603. To amend Sections 38-3-1, 38-3-2, 38-3-3, and 38-3-5, Code of Alabama 1975, relating to the Commission on Aging, so as to provide further

for the membership, terms of members, duties, responsibilities, functions and personnel of such commission.

Committee on Governmental Affairs.

RESOLUTIONS

Senators Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Joint Resolution, to-wit:

S. J. R. 136. MOURNING THE DEATH OF PHILLIP J. HAMM OF ELBA AND DOTHAN, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Phillip J. Hamm of Elba and Dothan, Alabama, on March 3, 1988, at the age of 78 years; and

WHEREAS, a native of Coffee County, Phillip J. Hamm was a graduate of Elba High School and of the University of Alabama where he received the B.S. degree; he also studied at Jacksonville State University which awarded him an honorary doctorate in 1971; and

WHEREAS, Dr. Hamm who taught and coached in the public schools of Greene, Coffee and Geneva Counties, was a veteran of World War II, having served with the United States Navy and Seabees in the Pacific Theatre, and was later the coordinator of Veterans Training Program for a 3-county area and was in charge of the United States Armed Forces Educational Program at Ft. Rucker; and

WHEREAS, widely known and respect throughout the state, Dr. Hamm served in the cabinets of three Alabama Governors: as Commissioner of Revenue in the first administration of his childhood friend, the late James E. Folsom, and later as Conservation Director, also under Governor Folsom; and as Director of the Department of Revenue for Governor George Wallace and Governor Lurleen Wallace; and

WHEREAS, Dr. Hamm was the founding president of George C. Wallace State Community College, serving in that capacity until retiring in 1980, for a distinguished tenure of leadership that vaulted the college to a position as one of the state's largest two-year colleges with an enrollment of more than 3,000 students; and

WHEREAS, to Dr. Hamm's credit, additionally, is the state's first trade school bill that he was instrumental in drafting and in its passage in 1947, as well as a later expanded bill that also was enacted into law; and

WHEREAS, in further contributions to community and state, Dr. Hamm was a successful businessman, having served on the boards of directors for a major trucking firm, two manufacturing concerns and two insurance companies and People's Bank of Elba; he also was the founder and operator of a variety store, was instrumental in the organization of a bank and, even into retirement, continued his lifelong interest in farming; and

WHEREAS, Dr. Hamm, among numerous civic, professional and educational affiliations, was a member of the Official Board of the Elba United

Methodist Church, vice president of the Alabama Retired Teachers Association, and was a Mason, a Shriner and a member of the Order of Eastern Star, the American Legion and the Veterans of Foreign Wars; and

WHEREAS, in the death of Phillip J. Hamm, the State of Alabama has suffered the loss of a truly remarkable man and one who has left his mark in works of great benefit to all our citizens and to future generations to come; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are grievously saddened by the death of Phillip J. Hamm of Elba and Dothan, Alabama, and extend deepest sympathy to his beloved wife, Mrs. Evelyn Richards Hamm, and to other family members for whom a copy of this resolution shall be provided.

On motion of Senator Bishop, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Bedford offered the following Senate Resolutions, to-wit:

S. R. 137. COMMENDING FAYE DENNIS OF MARION COUNTY HIGH SCHOOL, GUIN, ALABAMA, AS MARION COUNTY SECONDARY TEACHER OF THE YEAR, 1987-1988.

Also:

S. R. 138. COMMENDING BETTY FOWLER OF HAMILTON ELEMENTARY SCHOOL, HAMILTON, ALABAMA, AS MARION COUNTY ELEMENTARY TEACHER OF THE YEAR, 1987-1988.

Also:

S. R. 139. COMMENDING MARY ANNE SANFORD, ALABAMA MOTHER OF THE YEAR FOR 1988.

Which were filed.

MOTIONS IN WRITING

Senator Dixon offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 34, on page 73 of the 16th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 34, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Hale offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 33, on page 32 of the 16th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 33, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 140. CONGRATULATING COACH DAVID WILLINGHAM AND THE MARS HILL BIBLE SCHOOL VARSITY BASKETBALL TEAM ON THEIR OUTSTANDING SEASON.

Also:

S. R. 141. CONGRATULATING THE MARS HILL BIBLE SCHOOL GIRLS' BASKETBALL TEAM ON THE 1988 STATE 1A BASKETBALL CHAMPIONSHIP.

Which were filed.

MOTION IN WRITING

Senator Mitchem requested and received permission to suspend the Rules in order to offer the following Motion in Writing for Senator Barron, to-wit:

I move that the Bill, S. B. 420, on page 74 of the 16th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 420, referred to the Standing Committee on Rules for placement on the Consent Calendar.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Joint Resolution with the original Senate Joint Resolution, and finds same correctly engrossed, to-wit:

S. J. R. 56. CREATING THE ALABAMA ENVIRONMENTAL INSTITUTE COUNCIL.

BILL DRINKARD,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 75. Relating to the Alabama Sunset Law; to continue until October 1, 1989, the existence and functioning of the Insurance Department as provided in Sections 27-2-1 through 27-2-55, generally, and Section 27-2-1 specifically, Code of Alabama 1975, with certain modifications.

Also:

S. 77. Relating to the Alabama Sunset Law; to continue the existence and functioning of the plumbing examiners board as provided in Section 40-12-145, Code of Alabama 1975.

Also:

S. 78. Relating to the Alabama Sunset Law; to continue the existence and functioning of the public service commission as provided in Section 37-1-1, Code of Alabama 1975.

Also:

S. 81. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of examiners of mine personnel as provided in Sections 25-9-1 through 25-9-30, Code of Alabama 1975, with certain modifications; to amend Sections 25-9-9 and 25-9-15, Code of Alabama 1975, so as to limit members to two (2) consecutive terms of office; and allow reprimand as disciplinary action.

Also:

S. 83. Relating to the Alabama Sunset Law; to continue the existence and functioning of the state board of public accountancy as provided in Sections 34-1-1 through 34-1-22, Code of Alabama 1975, with certain modifications to amend Section 34-1-3, Code of Alabama 1975, so as to: preserve one public accountant on the board; to provide board members the same per diem and allowance as state employees; and to provide for confidentiality of board records.

Also:

S. 84. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Securities Commission as provided in Sections 8-6-50 through 8-6-60, Code of Alabama 1975, with certain modifications; to amend Section 8-6-52, Code of Alabama 1975, so as to restrict members' terms of office to two (2) consecutive terms of office, effective upon the passage of this act.

Also:

S. 85. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of auctioneers as provided in Sections 34-4-1 through 34-4-54, Code of Alabama 1975, with certain modifications; to amend Sections 34-4-21, 34-4-50, 34-4-53, and 34-4-54, Code of Alabama 1975, so as to provide for a one-year limit on the grandfather clause; to establish penalties for late renewals of licensees of the board; to require board rules be adopted pursuant to the administrative procedure statutes; to limit board members two (2) consecutive terms of office; to remove the annual limit of expenses of the board; and to transfer the board's funds to the state treasury.

Also:

S. 86. Relating to the Alabama Sunset Law; to continue the existence and functioning of the examining board for professional entomologists, horticulturists, plant pathologists, floriculturists and tree surgeons as provided in Sections 2-28-1 through 2-28-12, Code of Alabama 1975, with certain modifications; to amend Sections 2-28-4 and 2-28-7, Code of Alabama 1975, so as to require a \$10.00 examination fee by the board; and to allow revocation

by the commissioner or by the board of an individual's certification under Chapter 28, Title 2.

Also:

S. 87. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of cosmetology as provided in Sections 34-7-1 through 34-7-47, Code of Alabama 1975, with certain modifications; to amend Section 34-7-40, Code of Alabama 1975, so as to require the boards rules be adopted in compliance with the administrative procedures statutes.

Also:

S. 88. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of social work examiners as provided in Sections 34-30-1 through 34-30-58, Code of Alabama 1975, with certain modifications; to amend Sections 34-30-27, 34-30-33, 34-30-50, 34-30-51 and 34-30-57, Code of Alabama 1975, so as to provide further for the grandfather clause; to provide penalties for unlawful practices; to limit terms of office to 2 consecutive terms; and to specify board rules be adopted pursuant to administrative procedures law.

Also:

S. 89. Relating to the Alabama Sunset Law; to continue the existence and functioning of the liquefied petroleum gas board as provided in Sections 9-17-100 through 9-17-110, Code of Alabama 1975, with certain modifications; to amend Sections 9-17-101, 9-17-103 and 9-17-105, Code of Alabama 1975, so as to limit board members to two (2) consecutive terms of office; to specify rules and regulations of the board be adopted in accordance with state administrative procedure statutes; and to modify insurance requirements.

Also:

S. 91. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Funeral Service as provided in Sections 34-13-1 through 34-13-152, Code of Alabama 1975.

Also:

S. 202. Relating to Walker County; approving an increase of the three mill district ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901 by eight mills to eleven mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such additional eight mill tax to be levied and collected by the governing body of Walker County for each year beginning with the levy for the tax year ending September 30, 1989 (the tax for which year will be due and payable October 1, 1989) and ending with the levy for the tax year ending September 30, 1997 (the tax for which year will be due and payable October 1, 1997) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the Walker County School District (consisting of all Walker County except the City of Carbon Hill and the City of Jasper school districts) in said County at a special election called and held in accordance with the laws governing special elections.

Also:

S. 293. Relating to the practice of barbering in Lauderdale County; requiring the county wide administrative control, supervision and regulation

including certain registration and licensing of the practice of barbering, teaching of barbering, barbers, barber instructors, barber students, barber apprentices, barbershops, and barber schools; creating a county barber board for such purpose; prescribing the powers and duties of said board; abolishing all current local county barber boards or commissions; repealing or superseding all laws, whether general, general of local application, special or local, which conflict with this act; providing for a barbering commission and appointments thereto; providing for duties and powers of the commission; and providing for exceptions.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 102. COMMENDING GOVERNOR GUY HUNT ON HIS TOLL ROAD PROPOSITIONS AND URGE HIM TO CONTINUE HIS EFFORTS IN COOPERATION WITHIN THE ALABAMA TOLL ROAD, BRIDGE AND TUNNEL AUTHORITY.

Also:

S. J. R. 109. MOURNING THE DEATH OF MARIE KENDALL CLARK OF EUFAULA, ALABAMA.

Also:

S. J. R. 110. EXPRESSING LEGISLATIVE CONCERN WITH OUT-OF-STATE HOUSEHOLD GARBAGE.

Also:

S. J. R. 111. COMMENDING LOUCRETIA HOLLINGSWORTH FOR DISTINGUISHED SERVICE TO THE GIRL SCOUT PROGRAM.

Also:

S. J. R. 122. NAMING THE JAMES G. SASSER BUILDING, ON THE CAMPUS OF THE ALABAMA AVIATION AND TECHNICAL COLLEGE, OZARK, ALABAMA.

Also:

S. J. R. 123. COMMENDING THE AUBURN HIGH SCHOOL CONCERT BAND FOR DISTINGUISHED ACHIEVEMENT.

Also:

S. J. R. 126. COMMENDING BRANDON SPARKMAN FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE TO THE GUNTERSVILLE CITY SCHOOLS.

Also:

S. J. R. 127. COMMENDING JOHN B. BROOKSHIRE, JR., FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND COMMUNITY SERVICE.

Also:

S. J. R. 128. DESIGNATING THE CITY OF SHEFFIELD AS ALABAMA'S "SENIOR CITY U.S.A."

Also:

S. J. R. 132. MOURNING THE DEATH OF MR. A. F. "BUSTER" McMINN OF CULLMAN COUNTY.

BILL DRINKARD,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

S. B. 75	S. B. 87	S. J. R. 111
S. B. 77	S. B. 88	S. J. R. 122
S. B. 78	S. B. 89	S. J. R. 123
S. B. 81	S. B. 91	S. J. R. 126
S. B. 83	S. B. 293	S. J. R. 127
S. B. 84	S. J. R. 102	S. J. R. 128
S. B. 85	S. J. R. 109	S. J. R. 132
S. B. 86	S. J. R. 110	

Delivered to the Governor March 28, 1988, at 8:00 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 8 o'clock P.M., on motion of Senator deGraffenried, in accordance with Motion heretofore adopted, and pending further consideration of the Bill, S. B. 245, the Senate adjourned until Tuesday, March 29, 1988, at 1 o'clock P.M.

SEVENTEENTH LEGISLATIVE DAY

TUESDAY, MARCH 29, 1988

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by the Reverend Hal McNeeley, Assistant Pastor, Trinity Presbyterian Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Amy McCutchin, Goodwyn Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Figures	Manley
Amari	Corbett	Foshee	Menton
Bailey	Covington	Goodwin	Mitchem
Barron	deGraffenried	Hale	Parsons
Bedford	Denton	Hand	Preuitt
Bedsole	Dial	Hilliard	Rice
Bennett	Dixon	Holmes	Sanders
Bishop	Drinkard	Horn	Smith (B)
Cabaniss	Ellis	Langford	Smith (J)

—35

JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Sixteenth Legislative Day was approved by the Senate.

MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Wednesday, March 30, 1988, at 6 o'clock P.M., which motion was adopted.

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 165. COMMENDING THE UNIVERSITY OF ALABAMA IN HUNTSVILLE AND THE UNIVERSITY OF NORTH ALABAMA ON THE ESTABLISHMENT OF THE ALABAMA EDUCATIONAL COMPUTING RESEARCH AND DEVELOPMENT NETWORK.

On motion of Senator Drinkard, said Resolution was concurred in and adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 50. COMMENDING DALE N. RICHEY OF MONTGOMERY, ALABAMA, FOR DISTINGUISHED SERVICE AND ACHIEVEMENT AS STATE DIRECTOR OF THE FARMERS HOME ADMINISTRATION PROGRAMS.

On motion of Senator Drinkard, said Resolution was adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 43. CONGRATULATING THE TROY STATE UNIVERSITY FOOTBALL TEAM ON ITS 1987 NCAA DIVISION II NATIONAL CHAMPIONSHIP.

On motion of Senator Drinkard, said Resolution was concurred in and adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following communication from the State Department of Archives and History and ordered same returned to the Senate with a favorable report, to-wit:

Certificate of Election to the Board of Trustees of the Department of Archives and History of Mr. Robert E. Steiner III.

On motion of Senator Drinkard, the election of Mr. Steiner was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Horn
Amari	Covington	Foshee	Menton
Bailey	Denton	Goodwin	Mitchem
Bedsole	Dial	Hale	Rice
Cabaniss	Dixon	Hand	

—18

Nays:

—0

REGULAR SESSION
17th Day

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Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following communication from the State Department of Archives and History and ordered same returned to the Senate with a favorable report, to-wit:

Certificate of Election to the Board of Trustees of the Department of Archives and History of Archbishop Oscar H. Lipscomb.

On motion of Senator Bedsole, the election of Archbishop Lipscomb was confirmed by the Senate.

Yeas 21; Nays 0.

Yeas:

Senators:	Covington	Foshee	Menton
Amari	Denton	Goodwin	Mitchem
Bailey	Dial	Hale	Rice
Bedsole	Dixon	Hand	Sanders
Cabaniss	Drinkard	Horn	Smith (J)
Campbell	Figures		

—21

Nays: —0

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. Louise Nolen to the Board of Trustees, Livingston University.

On motion of Senator Drinkard, the appointment of Mrs. Nolen was confirmed by the Senate.

Yeas 21; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Holmes
Amari	Campbell	Foshee	Horn
Bailey	Covington	Goodwin	Menton
Bedford	Denton	Hale	Mitchem
Bedsole	Dial	Hand	Smith (J)
Bennett	Dixon		

—21

Nays: —0

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Milborn N. Chesser to the Foreign Trade Relations Commission.

On motion of Senator Drinkard, the appointment of Mr. Chesser was confirmed by the Senate.

Yeas 17; Nays 1.

Yeas:

Senators:	Cabaniss	Dixon	Horn	
Amari	Campbell	Drinkard	Menton	
Bedford	Covington	Goodwin	Mitchem	
Bedsole	Denton	Hand	Rice	
Bennett	Dial			—17

<i>Nay:</i> Senator Corbett	—1
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On motion of Senator Bedsole, the Senate reconsidered the vote by which Mr. Chesser's appointment was confirmed.

And on motion of Senator Drinkard, said appointment was again confirmed by the Senate.

Yeas 19; Nays 1.

Yeas:

Senators:	Campbell	Drinkard	Horn	
Bedford	Covington	Foshee	Menton	
Bedsole	Denton	Goodwin	Mitchem	
Bennett	Dial	Hale	Rice	
Cabaniss	Dixon	Holmes	Smith (B)	—19

<i>Nay:</i> Senator Corbett	—1
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Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Rep. Perry O. Hooper, Jr., to the Foreign Trade Relations Commission.

Senator Bedsole moved that said appointment be confirmed.

Senator Corbett offered a substitute motion that said appointment be rejected.

On motion of Senator Bedsole, the motion to reject was laid on the table.

Yeas 16; Nays 2.

Yeas:

Senators:	deGraffenried	Drinkard	Manley	
Bedsole	Denton	Hale	Menton	
Bennett	Dial	Hand	Mitchem	
Cabaniss	Dixon	Horn	Rice	
Campbell				—16

Nays:

Senators:	Corbett	Parsons	—2
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The question was then on the motion of Senator Bedsole to confirm, which was adopted, and the appointment of Rep. Hooper was confirmed by the Senate.

REGULAR SESSION
17th Day

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Yeas 17; Nays 1.

Yeas:

Senators:	Campbell	Hale	Manley
Barron	Denton	Hand	Menton
Bedsole	Dial	Hilliard	Mitchem
Bennett	Dixon	Langford	Rice
Cabaniss	Drinkard		

—17

Nay: Senator Corbett —1

MOTIONS IN WRITING

Senator Drinkard requested and received permission to suspend the Rules in order to offer the following Motion in Writing for Senator Mitchem, to-wit:

I move that the Bill, S. B. 93, on page 44 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 93, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Dixon requested and received permission to suspend the Rules in order to offer the following Motion in Writing for Senator Bedsole, to-wit:

I move that the Bill, S. B. 312, on page 30 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 312, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Bennett offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 104, on page 97 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 104, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 553. Relating to Mobile County; providing that the county commission or other like governing body of such county shall have the power to levy and collect additional privilege license taxes, excise taxes and sales and use taxes, subject to any limitation of the Constitution of Alabama or of any general law of this state; providing that any such tax levied by said governing body shall become law either with or without a referendum in the

sole discretion of said governing body; providing for the disposition of the proceeds of such taxes; and repealing conflicting laws.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 142. Relating to Tallapoosa County; replacing the probate judge as chairman of the county commission and providing for each member of the county commission to serve as chairman on a rotational basis.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 176. CREATING A JOINT LEGISLATIVE COMMITTEE ON THE FUTURE OF ALABAMA AND EXPLORING SUCH COMMITTEE TO STUDY THE REPORT OF THE SOUTHERN GROWTH POLICIES BOARD ENTITLED "HALFWAY HOME AND A LONG WAY TO GO" AND TO RECOMMEND HOW THIS STATE SHOULD PARTICIPATE IN THE IMPLEMENTATION OF THE TEN REGIONAL OBJECTIVES OUTLINED IN SUCH REPORT.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing

House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 278. COMMENDING THE GRISSOM HIGH SCHOOL LADY TIGERS BASKETBALL TEAM FOR ITS EXCELLENT SEASON AND HUNTSVILLE CITY TITLE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MOTION IN WRITING

Senator Mitchem offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 317, on page 98 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 317, referred to the Standing Committee on Rules for placement on the Consent Calendar.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Denton:

S. 604. To amend Section 27-5-12, Code of Alabama 1975, to add the North Carolina Motor Vehicle Reinsurance Facility to those reinsuring entities for which insurers will be allowed credit for reinsurance ceded.

Committee on Banking and Insurance.

By Senator Barron (With Notice and Proof):

S. 605. Relating to DeKalb County; providing that certain county employees may be employed in the offices of certain elected county officials and providing that such employees shall be paid from the county general fund.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 605, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Barron (With Notice and Proof):

S. 606. To amend Section 1 of Act No. 80-550, H. 977 of the 1980 Regular Session (Acts 1980, p. 859), allowing the Jackson County Commission to contribute a certain amount of public funds to certain rescue squads in the county, so as to provide further for the limit on such contribution to each rescue squad.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 606, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Mitchem (With Notice and Proof):

S. 607. To permit banks now or hereafter situated in Marshall County to establish, maintain and operate branch banks and branch offices within the limits of such county, except within the city limits of incorporated municipalities having a population of 5,000 or less in accord with the present or any subsequent federal decennial census and in which a bank is already established, to authorize the conduct of a general banking and trust business at such locations; and to repeal conflicting laws.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 607, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Dial (With Notice and Proof):

S. 608. Relating to Clay County; directing the county commission, the county board of education and the county hospital to receive the maximum interest available from any banking institution doing business in the county on their funds normally kept on demand deposit and prescribing certain procedures and requirements to insure that such maximum interest is paid on such funds.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 608, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Dial (With Notice and Proof):

S. 609. Relating to Clay County; authorizing the county commission to levy an additional ad valorem tax in said county to be used for the Clay County Hospital and Nursing Home and providing for a referendum.

Committee on Local Legislation No. 1.

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I hereby certify that the notice and proof is attached to the Bill, S. B. 609, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Drinkard:

S. 610. To make a supplemental appropriation to the Alabama Industrial Development Training Institute for the fiscal year ending September 30, 1988, from the Alabama Special Educational Trust Fund.

Committee on Finance and Taxation.

By Senator deGraffenried:

S. 611. To amend Section 34-26-1, et seq., Code of Alabama 1975, by creating a new section, 34-26-49, allowing the Board of Examiners in Psychology to hire an Executive Secretary who may be a psychologist, if necessary to carry on its activities.

Committee on State Development
and Tourism.

By Senators Rice, Goodwin, Dial, and Bedsole:

S. 612. To amend Section 27-4-4 and Section 27-4-5 of the Code of Alabama 1975, relating to the disposition of the insurance premium tax.

Committee on Finance and Taxation.

By Senators Rice, Dial, and Bedsole:

S. 613. To amend Section 40-12-227 of the Code of Alabama 1975, relating to the disposition of tax proceeds on the leasing or renting of tangible personal property.

Committee on Finance and Taxation.

By Senator Covington:

S. 614. To provide for additional compensation for juvenile probation officers, to provide that said additional compensation shall be paid by the county governing body and to provide for certain certification requirements.

Committee on Finance and Taxation.

By Senator Smith (J) (With Notice and Proof):

S. 615. Relating to Madison County; authorizing the county commission to establish an animal control shelter program to provide for the annual licensing of dogs and cats; authorizing the collection of fees to fund the animal control shelter program; and authorizing the position of animal control officer.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 615, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bennett:

S. 616. To amend Section 22-27-5, Code of Alabama 1975, as amended, relating to solid waste disposal fees, permits and bonds, so as to prescribe certain minimum surety bond requirements for out-of-state shippers of household garbage, in order to protect the health, safety and welfare of the citizens of this state.

Committee on Health.

By Senator Dial:

S. 617. To create the Alabama National Guard Medical Officer Training Corps; to provide for benefits and eligibility requirements; to grant certain rule making and other authority to the Alabama Commission on Higher Education and to appropriate funds to said program.

Committee on Governmental Affairs.

By Senator Mitchem (With Notice and Proof):

S. 618. To authorize the Marshall County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 618, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 90. Amending section 41-20-3, Code of Alabama 1975, relating to enumerated agencies pursuant to the state sunset statutes for periodic review of state agencies, boards, councils, departments and bureaus, so as to add the renamed and expanded Alabama plumbers and gas fitters examining board created by section 34-37-2, Code of Alabama 1975, to the list of enumerated agencies, and to delete a reference to the board of medical technicians examiners, which board has been previously terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 90, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. B. 90

A BILL TO BE ENTITLED AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the plumbers examining board as provided in section 40-12-145, as renamed the plumbers and gas fitters examining board by section

34-37-2 and as functioning pursuant to sections 34-37-1 through 34-37-18, Code of Alabama 1975, with certain modifications to amend section 34-37-6, Code of Alabama 1975, so as to extend the time period for which certain plumbers and gas fitters may apply for a waiver of the examination of the board (grandfather clause).

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties and recommends the continuance of the plumbing examining board, as renamed the plumbers and gas fitters examining board, created and functioning pursuant to section 40-12-145 as extensively amended by sections 34-37-1 through 34-37-18, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 3 hereof.

Section 2. The existence and functioning of the plumbing examining board as renamed the plumbers and gas fitters examining board, created pursuant to section 40-12-145, as extensively amended by sections 34-37-1 through 34-37-18, Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved.

Section 3. Section 34-37-6 of the Code of Alabama 1975 is hereby amended to read as follows:

“§34-37-6.

“It shall be unlawful for any person, firm or corporation to do or perform, or to contract, direct or superintend any plumbing or gas fitting within any incorporated city or town or county of this state unless such person has first received a certificate of competency, hereinafter referred to as ‘certificate,’ and unless such certificate is in force and effect at time such plumbing or gas fitting is done, directed or superintended, except as hereinafter provided.

“It shall be the duty of the board to examine and pass upon the qualification of every person who may apply for a journeyman’s plumber or gas fitter certificate upon forms provided by the board. Such applicant shall be examined, orally or in writing, upon the fundamentals of plumbing or gas fitting; the theory and practice of plumbing installation and construction or gas fitting work, and the experience and ability of the applicant in practical plumbing installation and construction or gas fitting work; and if such applicant be found to possess an accurate knowledge of the theory and correct practice of plumbing installation and construction or gas fitting work, and sufficient experience and ability in plumbing installation and construction or gas fitting work to safely and competently apply his knowledge and practice, the board shall issue to him a certificate, upon his first paying all fees herein prescribed.

“It shall be the duty of said board to examine and pass upon the qualifications of every person who may apply for a master’s plumber or gas fitter certificate upon forms provided by the board. Such applicant for a master’s certificate shall be examined as an applicant for a journeyman’s certificate, as hereinabove required to be examined, and also upon his knowledge, training and ability, in the planning, laying out, and supervision of plumbing installation and construction work or gas fitting work; and if such applicant for a master’s certificate be found to possess the qualifications hereinabove prescribed for issuance of a journeyman’s certificate, and also sufficient knowledge, training, and ability to competently and safely plan,

lay out and supervise plumbing installation and construction work or gas fitting work, he shall be issued a master's plumber or gas fitter certificate by said board.

"The examination required of an applicant for a permit as a master plumber or gas fitter or journeyman plumber or gas fitter may be waived by the board as to any person who furnishes satisfactory proof to the board that he is a person of good moral character, and that he has been actively engaged as a master plumber or gas fitter or as a journeyman plumber or gas fitter, and duly licensed as such under the general laws of the state of Alabama, as the case may be, for at least two years, provided that such person files an application in writing for waiver with the board, which application shall be accompanied by an affidavit giving the name or names of persons, firms or corporations, and the addresses thereof, by whom he has been employed, or for whom he has done plumbing work or gas fitting work, during said two years of his engaging in said trade. And, provided further, that said application be filed within ~~six~~ 18 months after passage of this chapter. Except as herein provided in this section, no person shall be issued a certificate without passing the prescribed examination; provided, however, that a person after having passed said examination, shall not be required to take said examination thereafter in order to secure a certificate in subsequent years. At least four examinations per year shall be conducted, at a time and place prescribed by the board after reasonable notice thereof."

Section 4. The legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2 and 3 hereof.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Drinkard	Langford	
Bailey	Covington	Foshee	Menton	
Barron	deGraffenried	Goodwin	Smith (B)	
Bedsole	Denton	Hale	Smith (J)	
Bennett	Dixon	Horn		—18

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 76. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of heating and air conditioning contractors as provided in Sections 34-31-18 through 34-31-34, Code of Alabama 1975, with

certain modifications; to amend Sections 34-31-18, 34-31-19, 34-31-20, 34-31-21, 34-31-28, 34-31-29 and 34-31-32, Code of Alabama 1975, so as to: include service and repair persons as certified by the board; to allow contractors to install, service or repair natural gas appliances, to limit board members to two (2) consecutive terms; to authorize the board to take testimony, hold hearings, subpoena witnesses; to take certain disciplinary action; and to provide further for examinations of the board.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 76, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 76

Amend Senate Bill 76 on page 4, line 21, by striking therefrom the words, "~~year terms~~" and inserting in lieu thereof the following words:

years each

Amend Senate Bill 76 on page 5, line 25, by deleting the word "subpoena" and inserting in lieu thereof the word:

call

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Manley
Bedsole	Denton	Goodwin	Menton
Bennett	Dixon	Hale	Mitchem
Corbett	Drinkard	Hand	Smith (J)
Covington	Ellis	Hilliard	

—18

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 82. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of examiners in psychology as provided in Sections 34-26-1 through 34-26-48, Code of Alabama 1975, with certain modifications; to amend Sections 34-26-21, 34-26-22, 34-26-41, 34-26-43 and 34-26-46, Code of Alabama 1975, so as to add 2 members to the board; to limit board members to two (2) consecutive terms of office; to limit board members travel expenses; to allow the recognition of areas of specialization for practice; to authorize the adoption of rules pursuant to the administrative procedure statutes; to allow certain reciprocal agreements for out of state applicants; to remove automatic appropriation clause; and to expand grounds for revoking or suspending licenses.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 82, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 82

Amend S. B. 82, Page 7, Section 2, Line 30, after the word "least" by striking the following: ~~ten (10)~~ and inserting the following" four (4)

Yeas 20; Nays 0.

Yeas:

Senators:	Corbett	Drinkard	Manley
Bailey	Covington	Goodwin	Mitchem
Bedford	deGraffenried	Hale	Rice
Bedsole	Denton	Hand	Sanders
Bennett	Dixon	Langford	Smith (J)
Bishop			

—20

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 74. Relating to the Alabama Sunset Law; to continue the existence and functioning of the real estate commission as provided in Sections 34-27-1 through 34-27-38, Code of Alabama 1975, with certain modifications; to amend Sections 34-27-3, 34-27-7, 34-27-8, 34-27-31, 34-27-32, 34-27-33, 34-27-34, 34-27-35, and 34-27-37, Code of Alabama 1975, so as to delete references to certain activities of nonresident real estate brokers pursuant to a stipulation of settlement of a United States District Court Order of the Middle District of Alabama, Northern Division (CA 87-T-335-N), styled "Georgia Association of Realtors vs. Alabama Real Estate Commission"; to limit the original seven members of the commission to two (2) consecutive terms of office; to limit the commission's travel and per diem to the rate paid to state employees; to add one (1) additional member to the board who shall be a black voting member appointed at large from among the U.S. Congressional Districts on a rotating basis; to require the rules of the commission be adopted pursuant to the state administrative procedure statutes; to provide that an aggrieved party may recover from the commission's recovery fund only for damages sustained within the state; and to provide further for the educational requirements, testing requirements and other requirements of the licensees of the board; and to provide further for re-hearings of the board.

JOHN W. PEMBERTON,
Clerk.

MOTIONS IN WRITING

Senator Bedford offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 4, on page 58 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 4, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Bailey offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 278, on page 81 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 278, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Barron offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 434, on page 82 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 434, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Senator Bedford offered the following Senate Resolution, to-wit:

S. R. 142. COMMENDING RUTH PALMER OF HAMILTON, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND SERVICE.

Which was filed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Headley (With Notice and Proof):

H. 659. To amend Section 2 of Act No. 722, H. 1708, 1973 Regular Session (Acts 1973, p. 1079), pertaining to levying and collecting assessments on forestlands in Bibb County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 659, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 659—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Newton and Spratt (With Notice and Proof):

H. 561. To further amend Section 6 of Act No. 529 of the Legislature of Alabama of 1923, as codified in Title 62, Section 725, Code of Alabama 1940 (Recomp. 1958) and as amended by Act No. 87-788 to provide an expense allowance for members of the Park and Recreation Board of the City of Birmingham.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 561, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 561—to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Newton and Spratt (With Notice and Proof):

H. 562. To amend Article VI, of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), Relating to the Extraordinary Disability Benefits of the City of Birmingham Retirement and Relief System, so as to provide that Extraordinary Disability Benefits shall not be paid to any participant who joins the system in or after July 1, 1988, during any period that such disabled participant is able to perform other duties in his job classification or the customary duties of another job with that participant's employer, which duties or job has been offered to participant and which job pays a salary or wage equal to or greater than the salary or wage such participant was earning at the time of the incident causing the disability, and to provide that, for injuries occurring after July 1, 1988, the Board of Managers may waive the one year limitation and grant an application for Extraordinary Disability Allowance if granted within thirty-six months after the incident resulting in such disability.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 562, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 562—to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Breedlove (With Notice and Proof):

H. 731. To authorize the Washington County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 731, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Warren (With Notice and Proof):

H. 735. Relating to Conecuh County, to ratify payments heretofore made to or on behalf of Mr. Willie Lee Powell by the County Commission of Conecuh County; and to relieve all charges relating thereto made by Examiners of Public Accounts.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 735, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 731 and 735—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson (RG):

H. 345. To propose a constitutional amendment to Amendment 81 of the Constitution of Alabama of 1901, relating to the holding of courts of

record and the establishment and abolition of branch courthouses and divisions of circuit court, so as to provide that habeas corpus and coram nobis proceedings in circuit court may be held at any correctional institution operated under the direction and control of the State Department of Corrections wherein the person seeking the writ is confined; to provide for security during such proceedings; to delete those provisions of Amendment 81 that are in conflict with Amendment 328 to the Constitution of Alabama of 1901, as amended, and to provide for an election on the proposed amendment and notice thereof.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 345—to the Committee on Judiciary

The above Bill was read a first time at length as required by the Constitution.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Perdue (With Notice and Proof):

H. 566. To amend Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, approved September 18, 1973, as amended, to provide for the participation of the unclassified employees of the City of Birmingham in the retirement and relief system of the City of Birmingham and to provide for related matters.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 566, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 566—to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Penry (With Notice and Proof):

H. 685. Relating to Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fairhope in Baldwin County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 685, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Blakeney and Breedlove (With Notice and Proof):

H. 730. Relating to Clarke County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 730, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 685 and 730—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Warren (With Notice and Proof):

H. 737. To authorize the County Commission of Conecuh County to pay from the general funds of the county the amount of up to \$350.00 per month to Mr. Willie Lee Powell for injuries received during the course of his employment.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 737, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Black (With Notice and Proof):

H. 756. Relating to Sumter County; providing for an additional expense allowance and travel allowance for the county coroner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 756, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 737 and 756—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harvey:

H. 555. Proposing an amendment to the Constitution of Alabama of 1901, relating to fire protection in Blount County, Alabama, so as to provide for the levy and collection of additional property taxes for fire protection purposes in such county.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 555—to the Committee on Local Legislation No. 1

The above Bill was read a first time at length as required by the Constitution.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Carter:

H. 153. To provide that out-of-court statements made by children under twelve years of age at the time of the proceeding concerning an act that is

a material element of any crime involving child sexual abuse, as defined, not otherwise admissible are admissible in a criminal proceeding in certain circumstances; to specify those circumstances; and to define crimes involving child sexual abuse for purposes of this act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 153—to the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Campbell, White (L), Brooks, and Butler:

H. 493. Relating to elections; to define the meaning of terms used in this act; to provide for the designation and organization of a principal campaign committee by each candidate for election to state or local office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this act; to provide for the registration of political committees, including the principal campaign committee of each candidate; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate the duties of the Secretary of State and Judge of Probate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to prohibit the intimidation of voters, certain expenditures to influence voting, the publication or distribution of certain political statements, contributions in the name of another, fraudulent misrepresentations of campaign authority, and coercion of contributions; to provide penalties for the violation of the provisions of this act; to require that certificates of election be withheld under certain circumstances; and to repeal chapter 22 of Title 17 of the Code of Alabama 1975.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 493—to the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 207. To further amend Section 23-1-280 of the Code of Alabama 1975, as amended, which section relates to just compensation for the removal

of signs, so as to clarify the original legislative intent to require the payment of just compensation whenever a removing authority removes or alters, or causes the removal or alteration of, a lawfully erected sign along any public street or highway.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Gray, Payne, Beers, Wright, Newton, Perdue, Spratt, Petelos, McDowell, Seibels, Rogers, Slaughter, Curry, White (G), and Escott
(With Notice and Proof):

H. 684. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief and retirement system for municipal officers and employees pursuant to the policemen's pension and relief plan provided by Act No. 502 of the 1923 Session of the Legislature of Alabama, as amended or codified: The Firemen's Pension and Relief Plan provided by Act No. 307 of the 1943 Session of the Legislature of Alabama, as amended (General Acts of Alabama of 1943, p. 264); the Limited Policemen's Retirement and Relief System provided by Act No. 470 of the 1955 Regular Session of the Legislature of Alabama, as amended (Acts of Alabama of 1955, p. 1067); and Limited Firemen's Pension and Relief System provided by Act No. 217 of the 1966 Special Session of the Legislature of Alabama, as amended (Acts of Alabama, Special Session 1966, p. 280), so as to provide that certain minimum monthly benefits shall be payable to certain persons.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 684, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Newton (With Notice and Proof):

H. 697. Relating to the governing body of Jefferson County, Alabama; to authorize the Jefferson County Commission to employ administrative assistants, confidential secretaries and to set their compensation. To exempt such positions from any merit system and to provide other employment benefits.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 697, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 684 and 697—to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 80. Relating to the Alabama Sunset Law; to continue the existence and functioning of the alcoholic beverage control board as provided in Section 28-3-40, Code of Alabama 1975.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 105. To amend Section 11-52-3, Code of Alabama, 1975, to permit the mayor to appoint a person to sit on the municipal planning commission in his stead and to provide for a term for such person.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Ford:

H. 132. Relating to persons who are required to register with the U. S. Selective Service System, so as to provide that such persons may not enroll in institutions of higher learning nor be offered employment or advancement or promotion by the State of Alabama unless such persons offer proof that they have so registered, and to authorize the State Personnel Board and the institutions of higher learning to promulgate necessary rules and regulations.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 132—to the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 823. To make an appropriation to the Alabama Board of Nursing for the fiscal year ending September 30, 1988; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 823—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Marks (With Notice and Proof):

H. 621. Relating to Morgan County; to authorize and regulate the issuance of motor vehicle license tags, boat licenses, and business licenses by mail; to authorize a fee for such services; to authorize periodic mailing of notices for renewal of said licenses and tags; and to specifically repeal and supersede Act No. 641, S. 657, 1969 Regular Session (Acts 1969, p. 1171).

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 621, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 621—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. White (G):

H. J. R. 309. INVITING UNITED STATES SECRETARY OF EDUCATION, WILLIAM J. BENNETT, TO ADDRESS THE LEGISLATURE.

WHEREAS, a critical issue before this legislature is the education of our children, a priority of enormous urgency to be resolved with dispatch if Alabama is to move forward under the leadership of future generations well-grounded in the basics and with an expanded curriculum requiring additional credit hours in science and mathematics, as well as history, language and the arts; and

WHEREAS, as we move to solve the problems we in Alabama face in public education, and to resolve our approach to adequate funding of same, it is imperative that we be timely and sufficiently informed of national guidelines in this area and of the resolution of like issues by the various states; thus advised and aware, we may then move forward in our united goal of providing Alabama's youth with educational opportunities that equal or exceed those of their counterparts throughout the nation; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most respectfully request United States Secretary of Education, Mr. William J. Bennett, to address the Alabama Legislature on March 31, 1988, at 10:00 A.M., and that we convene in joint session at that hour to hear Secretary Bennett's remarks.

BE IT FURTHER RESOLVED, That Secretary Bennett, by copy of this resolution, be advised of our invitation to address the legislature and of our hopeful anticipation of his acceptance.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolution, H. J. R. 309, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Grayson, Hettinger, Brooks, Freeman, Hall, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Fuller, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley,

Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 307. COMMENDING JOHN STALLWORTH OF HUNTSVILLE, ALABAMA, ON HIS OUTSTANDING NFL CAREER.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolution, H. J. R. 307, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Freeman, Hall, Hettinger, Grayson, Brooks, and Butler:

H. J. R. 322. MADISON COUNTY COMMISSION URGED NOT TO PAY FOR UNSPONSORED AND UNREQUESTED ADVERTISED BILLS.

WHEREAS, local bills are being advertised in the newspaper in Madison County for introduction in the Legislature without a member of the local delegation being made aware or agreeing to sponsor such bills in the Legislature and without a request by a legislator to advertise any such unsponsored bill; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Madison County Commission is urged not to pay for advertised bills unless requested by an individual legislator representing Madison County in the Alabama Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 322, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Penry:

H. J. R. 319. COMMENDING BARNEY L. SHULL FOR LONGTIME SERVICE TO THE CITY OF FAIRHOPE AND TO THE COMMUNITY.

Also:

By Rep. Penry:

H. J. R. 320. COMMENDING JEANETTE PUCKETT, FAIRHOPE CITY COUNCIL, FOR OUTSTANDING SERVICE TO THE COMMUNITY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 319 and 320, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Layson:

H. J. R. 312. COMMENDING JAMES H. (DOC) ASHCRAFT, REFORM CHAMBER OF COMMERCE "CITIZEN OF THE YEAR" FOR 1988.

Also:

By Rep. Penry:

H. J. R. 314. COMMENDING MAYOR JAMES P. NIX OF FAIRHOPE, ALABAMA, FOR DISTINGUISHED LEADERSHIP AND COMMUNITY SERVICE.

Also:

By Rep. Penry:

H. J. R. 315. COMMENDING MICHAEL A. FORD FOR OUTSTANDING SERVICE TO THE FAIRHOPE CITY COUNCIL AND THE COMMUNITY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolution, H. J. R. 312, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Hand, the Rules were suspended and the Resolutions, H. J. R.'s 314 and 315, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. White (L):

H. J. R. 313. CREATING THE INTERIM TALLAPOOSA COUNTY GOVERNMENTAL STUDY COMMITTEE AND SUBCOMMITTEE FOR BETTER GOVERNMENT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Interim Tallapoosa County Governmental Study Committee (hereinafter called the "Committee") and Subcommittee for Better Government (hereinafter called the "Subcommittee") for the purpose of determining how to operate county government more efficiently and economically. The Committee shall be composed of the two members of the Tallapoosa County Legislative Delegation. The members of the Subcommittee shall be appointed by the two members of the said Committee as follows: The member of the House of Representatives serving Tallapoosa County shall appoint five citizens of Tallapoosa County and the Senator serving Tallapoosa County shall appoint six citizens from Tallapoosa County for a total of 11 members of said Subcommittee. A temporary chairman of the Subcommittee shall be appointed by the Committee to preside over the first meeting for the election of officers. Vacancies shall be filled by the original appointing authority. The said Committee and the Subcommittee are authorized and empowered to investigate and to gather information, analyze and study such information, to make recommendations, suggest and propose measures to be taken for the sake of efficiency and economy in government. The Committee and the Subcommittee shall have subpoena powers to subpoena any documents, financial records and witnesses necessary to carry out the intent of the Legislature.

BE IT FURTHER RESOLVED, That the Subcommittee shall meet on the first and third Thursday of each month at 7:00 p.m. and shall serve as the primary information gathering committee. The financial data and other information pertaining to county government gathered shall be examined and analyzed by said Subcommittee. Areas of county government and county finances to be examined shall include but shall not be limited to the following:

- (1) The problems of the Tallapoosa County jail and whether or not to build a new facility;
- (2) Industrial development for additional jobs in the county;
- (3) The operation of the Tallapoosa County Government and how to make it more efficient and economically sound;
- (4) The tax structure and debt structure of Tallapoosa County.

BE IT FURTHER RESOLVED, That the Committee shall meet no later than May 17, 1988, and appoint a chairman and a secretary-treasurer. The secretary shall record all official actions of all meetings and make the same available to the public at an appropriate place in the courthouse or otherwise.

BE IT FURTHER RESOLVED, That the members of the Subcommittee shall be appointed by May 23, 1988, and that each appointing authority

shall file with the chief clerk of the Tallapoosa County Probate Office the name, address and telephone number of his or her appointee no later than May 23, 1988. An organizational meeting of said Subcommittee shall be held at the county courthouse at 7:00 p.m., May 26, 1988, for the purpose of electing a chairman, vice-chairman, secretary and a treasurer and such other officers as the Subcommittee deems necessary. The secretary shall record all official actions of all meetings and make the same available to the public at an appropriate place in the courthouse or otherwise. At the initial meeting, no official actions shall be taken other than election of officers and the date and time fixed for the next meeting. Every effort shall be made to publicize all meetings of the Subcommittee and all meetings shall be open to the public.

BE IT FURTHER RESOLVED, That the Committee and the Subcommittee members shall serve without pay or expenses and no county funds other than for clerical assistance and supplies shall be expended, but the county commission may provide clerical assistance and supplies when requested by the Chairman of the Committee or the Chairman of the Subcommittee; provided, however, the Committee and the Subcommittee may accept contributions and expend same by majority vote of the Committee or a quorum of the Subcommittee, with both the chairman and treasurer endorsing checks. A quorum for transacting any official business shall be one more than half the number serving.

BE IT FURTHER RESOLVED, That the Subcommittee shall report its findings, conclusions and recommendations to the Tallapoosa County Commission and to the Committee, composed of the Tallapoosa County Legislative Delegation, no later than December 31, 1988, at which time the Interim Tallapoosa County Governmental Study Committee and the Subcommittee for Better Government shall be dissolved.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to each member of the Tallapoosa County Commission, each member of the Tallapoosa County Board of Education, and to all incorporated cities and municipalities of Tallapoosa County.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 313, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Holmes, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim,

Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 296. COMMENDING COACH LARRY F. CHAPMAN AND THE AUBURN UNIVERSITY AT MONTGOMERY BASKETBALL TEAM ON THEIR PRESTIGIOUS NATIONAL RANKING IN THE NAIA NATIONAL TOURNAMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolution, H. J. R. 296, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Turner, Box, and Buskey (JE):

H. J. R. 250. COMMENDING THE MOBILE COUNTRY MUSIC ASSOCIATION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolution, H. J. R. 250, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Willis, Crow, and Campbell:

H. J. R. 226. COMMENDING THE PIEDMONT LIONS CLUB, PIEDMONT, ALABAMA, ON ITS 50TH ANNIVERSARY OF SERVICE TO THE COMMUNITY.

Also:

By Rep. Black:

H. J. R. 229. COMMENDING THE SUMTER COUNTY HIGH SCHOOL WILDCATS ON THE 1988 STATE 4A BASKETBALL CHAMPIONSHIP.

Also:

By Rep. Layson:

H. J. R. 230. COMMENDING BOY SCOUT TROOP 18 FOR OUTSTANDING SERVICE TO THE COMMUNITY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 226, 229, and 230, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Junkins, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 281. COMMENDING SUSAN D. PARKER OF HARTSELLE, ALABAMA, A UNITED STATES JAYCEE OUTSTANDING YOUNG AMERICAN.

Also:

By Reps. McKee, Walker, Holmes, Mikell, Hooper, and Buskey (JL):

H. J. R. 283. COMMENDING JAMES BOZEMAN OF ROBERT E. LEE HIGH SCHOOL, MONTGOMERY, ALABAMA.

Also:

By Reps. McKee, Walker, Holmes, Mikell, Hooper, and Buskey (JL):

H. J. R. 284. COMMENDING TINA WILSON OF THE CHILDREN'S CENTER SCHOOL, MONTGOMERY, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 281, 283, and 284, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Fuller:

H. J. R. 280. COMMENDING NINE ATTORNEYS GENERAL ON THE INITIATION OF INSURANCE ANTI-TRUST LAWSUIT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 280, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Reed:

H. J. R. 287. CREATING A JOINT LEGISLATIVE COMMITTEE ON PUBLIC WELFARE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative committee to study benefits provided recipients of public welfare. The committee shall be composed of the members of the standing Senate and House of Representative committees on public welfare. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall hold various public hearings across the state to determine if recipients of public assistance would prefer to receive benefits in the form of food stamps, checks or cash.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the 5th legislative day of the 1989 Session.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 287, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. McKee, Walker, Holmes, Mikell, Hooper, and Buskey (JL):

H. J. R. 282. COMMENDING ELOISE MOSELEY OF MORNING-VIEW ELEMENTARY SCHOOL, MONTGOMERY, ALABAMA.

Also:

By Reps. McKee, Walker, Holmes, Mikell, Hooper, and Buskey (JL):

H. J. R. 285. COMMENDING JOHN BELL OF SIDNEY LANIER HIGH SCHOOL, MONTGOMERY, ALABAMA.

Also:

By Reps. McKee, Walker, Holmes, Mikell, Hooper, and Buskey (JL):

H. J. R. 286. COMMENDING PEGGY NORRIS OF SETH JOHN-SON ELEMENTARY SCHOOL, MONTGOMERY, ALABAMA.

Also:

By Reps. Hettinger, Hall, Brooks, Grayson, Freeman, and Butler:

H. J. R. 292. RECOGNIZING WITH COMMENDATION THE NORTH ALABAMA RAILROAD MUSEUM.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 282, 285, and 286, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

The Resolution, H. J. R. 292, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holmes:

H. J. R. 253. REQUESTING THE ADMINISTRATIVE OFFICE OF COURTS TO HIRE MORE BLACKS IN HIGH SALARIED POSITIONS.

WHEREAS, many citizens of Alabama have worked hard to improve race relations; and

WHEREAS, it is the objective of all citizens in the State of Alabama that each person be afforded rights and opportunities regardless of race, creed or color; and

WHEREAS, the Administrative Office of Courts in the State of Alabama has engaged in a pattern and practice of racial discrimination against Black citizens in employment; and

WHEREAS, the Blacks that are employed with the Administrative Office of Courts are in low paying positions for all practical purposes; and

WHEREAS, the Administrative Office of Courts is not subject to the rules and regulations of the State Personnel Department as mandated by the Federal Court; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we request the Administrative Office of Courts to put forth vigorous efforts to employ more Blacks and to employ them in high salaried positions.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 253, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Campbell, Hammett, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 269. MOURNING THE DEATH OF MARIE KENDALL CLARK OF EUFAULA, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolution, H. J. R. 269, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holmes:

H. J. R. 297. COMMENDING THE REVEREND JESSE JACKSON IN HIS PRESIDENTIAL RACE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 297, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Haynes, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 245. COMMENDING THE W. K. KELLOGG FOUNDATION OF BATTLE CREEK, MICHIGAN.

Also:

By Rep. Payne:

H. J. R. 247. COMMENDING HEAD COACH TONEY PUGH OF HEWITT-TRUSSVILLE HIGH SCHOOL.

Also:

By Reps. Kvalheim, Gaston, and Marietta:

H. J. R. 251. MOURNING THE DEATH OF ROGER EMERSON FRITZ OF MOBILE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Drinkard, the Rules were suspended and the Resolution, H. J. R. 245, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 247 and 251, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Layson:

H. J. R. 234. CONGRATULATING THE PICKENS ACADEMY LADY PIRATES ON THEIR OUTSTANDING 1988 BASKETBALL SEASON AND SECOND-PLACE RANKING IN APSA COMPETITION.

Also:

By Rep. Bryant:

H. J. R. 235. CONGRATULATING THE MARION HIGH SCHOOL RAMS AS ALABAMA'S STATE 2A BASKETBALL CHAMPIONS.

Also:

By Rep. Wright:

H. J. R. 236. CONGRATULATING MR. AND MRS. FLOYD HUBERT PATTON ON THE OCCASION OF THEIR 54TH WEDDING ANNIVERSARY.

Also:

By Rep. Johnson (RG):

H. J. R. 237. CONGRATULATING THE SYLACAUGA HIGH SCHOOL AGGIES ON THE 1987-88 STATE 5A BASKETBALL CHAMPIONSHIP.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 234, 235, 236, and 237, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Harvey:

H. J. R. 238. COMMENDING DENNIS MAZE OF HORTON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND LEADERSHIP IN AGRICULTURE.

Also:

By Rep. Harvey:

H. J. R. 239. COMMENDING THE SOUTHERN DEMOCRAT ON RECENT DISTINCTIONS OF EXCELLENCE.

Also:

By Rep. Payne:

H. J. R. 246. CONGRATULATING THE HEWITT-TRUSSVILLE HIGH SCHOOL WRESTLING TEAM ON THE 1987-1988 STATE 6A CHAMPIONSHIP.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 238, 239, and 246, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Layson:

H. J. R. 231. CONGRATULATING THE PICKENS ACADEMY LADY PIRATES ON THEIR OUTSTANDING 1988 BASKETBALL SEASON AND SECOND-PLACE RANKING IN APSA COMPETITION.

Also:

By Rep. Layson:

H. J. R. 232. CONGRATULATING THE PICKENS ACADEMY LADY PIRATES ON THEIR OUTSTANDING 1988 BASKETBALL SEASON AND SECOND-PLACE RANKING IN APSA COMPETITION.

Also:

By Rep. Layson:

H. J. R. 233. CONGRATULATING THE PICKENS ACADEMY LADY PIRATES ON THEIR OUTSTANDING 1988 BASKETBALL SEASON AND SECOND-PLACE RANKING IN APSA COMPETITION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 231, 232, and 233, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 143. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking

precedence over all other matters upon reaching bills on third reading for the seventeenth legislative day of the 1988 Regular Session only:

Inst Id	Page
S. 529	106
Music Hall of Fame, bond authority estab., auth. issue bond, powers, consti. amend.	
S. 326	17
Parolees, violation of parole, time for holding without warrant extended, Sec. 15-22-31 am'd.	
S. 306	11
Liquefied Petroleum Gas Bd., further regulated Secs. 9-17-100, 9-17-101, 9-17-102, 9-17-104 thru 9-17-109 am'd.	
S. 97	12
Public school systems, personnel vacancy notice to be posted.	
S. 7	8
Highway Dept. self-insurance program fund, funds transferred from St. Road and Bridge Fund.	
S. 66	8
Banking, bank trust depts. auth. to list trust funds as pledge of assets for security, Sec. 5-5A-28 am'd.	
S. 128	6
Municipalities estab. self-funded liability insurance for protection for member municipalities.	
S. 47	15
Pipeline facilities transporting hazardous liquids facilities used in the liquefaction of natural gas, Public Service Commission to reg.	
H. 193	22
Physicians, out of state, auth. to practice temporarily, Sec. 34-24-74 am'd.	
S. 330	37
Caves, regulation, liability and exemptions, pollution and vandalism penalties.	
H. 417	35
Linked deposits, 1988 Wallace plan created, low-cost loans to agriculture and business, st. treasurer to admin.	
S. 428	42
Alabama Water Supply Authority, estab.	

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S. 205

7

Solid Waste Collection, regulated by muns. and cos., powers and duties, public participation, penalties, Secs. 22-27-3 & 22-27-6 am'd.

H. 210

45

District judge's eligibility for retirement and spousal benefits made same as for circuit judges, Sec. 12-18-55, 12-18-58, 12-18-60 am'd.

On motion of Senator Drinkard, the Resolution was adopted by the Senate.

Senators Bedsole and Bedford requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 144. URGING THE DEPARTMENT OF CORRECTIONS AND OTHER STATE AGENCIES & DEPARTMENTS TO PUT PRISON INMATES TO WORK.

WHEREAS, the Alabama Prison System incarcerates more than 11,000 convicted criminals, and

WHEREAS, the cost of incarcerating a single inmate is estimated to be in excess of \$10,000 a year; and

WHEREAS, the hardworking law-abiding citizens of Alabama are forced to pay their tax dollars to feed, house, and clothe the convicted criminals incarcerated in the Alabama Prison System;

WHEREAS, the convicted criminals incarcerated in the Alabama Prison System are capable of working and contributing to the cost of their upkeep; and

WHEREAS, convicted criminals who are fed, housed, and clothed by the Alabama Prison System and the tax dollars which support it, should be put to work:

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Alabama Department of Corrections is urged to develop more programs requiring convicted inmates incarcerated in the Alabama Prison System to work and thereby contribute to the cost of their upkeep;

BE IT FURTHER RESOLVED, that all state agencies, boards, bureaus and departments are urged to review, examine and initiate measures for the use of inmate labor in public works projects and to enter into agreements with the Department of Corrections pursuant to the Code of Alabama 1975, §14-5-10 for the use of inmate labor on such projects.

BE IT FURTHER RESOLVED, that the Alabama Department of Corrections and other state agencies, boards, bureaus and departments are urged to review, examine and determine the needs of the state and political subdivisions thereof for articles and products and that the Department of Corrections initiate programs using convict labor for the manufacture of such articles and products;

BE IT FURTHER RESOLVED, that the Alabama Department of Corrections is urged to design such programs so that benefits and privileges

afforded to convicted criminals in the Alabama Prison System are allotted on the basis of the work that each convicted criminal does and the value of that work;

BE IT FURTHER RESOLVED, that such programs should not be to the detriment of the safety of the law-abiding public, and that no dangerous criminal should be afforded an early release or greater opportunity for escape through such programs;

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to the Commissioner of the Alabama Department of Corrections forthwith.

Which was read and referred to the Standing Committee on Rules.

Senators Bedsole, Hand, Menton, Goodwin, Figures, Bedford, Amari, Bailey, Barron, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Foshee, Hale, Hilliard, Holmes, Horn, Langford, Manley, Mitchem, Parsons, Preuit, Rice, Sanders, Smith (B), and Smith (J) requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 145. COMMENDING FORMER U. S. CONGRESSMAN JACK EDWARDS AS 1987 MOBILIAN OF THE YEAR.

WHEREAS, it is with great personal pleasure that the Alabama Legislature congratulates former United States Congressman Jack Edwards as 1987 Mobilian of the Year, an honor of great significance bestowed annually by the Mobile Civitan Club upon an individual who has greatly enriched the life of the community and the lives of all citizens thereof; and

WHEREAS, a Birmingham native and longtime resident of Mobile, Jack Edwards is a United States Marine Corps veteran and the recipient of both the B.S. and J.D. degrees from the University of Alabama where his involvement in student leadership, academic organizations and all phases of campus life was prophetic of early and outstanding achievement; and

WHEREAS, Mr. Edwards, following college and military service, practiced law in Mobile for a period of ten years, during which time he served as secretary of the Mobile Bar Association and as president of the Mobile Junior Bar Association; and

WHEREAS, in 1964, he was elected to the United States House of Representatives from the First District of Alabama to serve in the 89th Congress and to subsequently serve for an additional nine terms and a total of twenty years of accomplished leadership; and

WHEREAS, Congressman Edwards, among other vital areas to our national interest, served on the House Appropriations Committee for 16 years, on the Transportation Subcommittee, and on the Defense Subcommittee where he was the Senior Republican from 1975 to 1984; and

WHEREAS, he also served on the Banking, Finance and Urban Affairs Committees of the House; as secretary and later as vice chairman of the House Republicans; and, in other efforts, was instrumental in assuring construction funds for the Tennessee-Tombigbee Waterway; and

WHEREAS, Mr. Edwards, retired from Congress in 1985 and resumed the active practice of law in Mobile, where he continues to contribute greatly to the good of the community on both local and statewide levels; and

WHEREAS, Mobilian of the Year is one of numerous awards and accolades bestowed through the years upon Jack Edwards in recognition of achievement, accomplishment and service, and his contributions of time, talent and expertise have had significant impact on his hometown, the state and our nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the 1987 Mobilian of the Year, the Honorable Jack Edwards, and do further direct that he receive a copy of this resolution of sincere admiration and warmest personal regard.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Denton, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J) requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 146. NAMING THE EXISTING CREST AVENUE IN THE CITY OF TUSCUMBIA, ALABAMA, IN HONOR OF WILLIAM F. GARDINER.

WHEREAS, William F. Gardiner served as Mayor of the City of Tuscumbia, Alabama, for 18 years, and has served the Shoals area with untiring leadership; and

WHEREAS, William F. "Bill" Gardiner also has served on the staff of United States Senator Howell Heflin since the date of Senator Heflin's election and currently is the Senator's Chief of Staff; and

WHEREAS, in recognition of Bill Gardiner's service and leadership to the city of Tuscumbia, the State of Alabama and the nation, it is entirely fitting that he be appropriately honored by a grateful citizenry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of William F. "Bill" Gardiner of Tuscumbia, Alabama, we hereby name and designate the existing Crest Avenue in the City of Tuscumbia as the "Bill Gardiner Drive."

BE IT FURTHER RESOLVED, That the proper authorities are hereby authorized and requested to erect and maintain appropriate signs and markers so designating said street and we do further direct that copies of this resolution be forwarded to the Tuscumbia City Council and to Mr. William F. Gardiner.

On motion of Senator Denton, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Breedlove, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE),

Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 225. COMMENDING JACK VENABLE FOR OUTSTANDING ACHIEVEMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Menton, the Rules were suspended and the Resolution, H. J. R. 225, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 831. To make an appropriation from the State General Fund to the Legislature for the fiscal year ending September 30, 1988 and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 831—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 828. To make an appropriation to the Alabama Small Business Development Consortium for the fiscal year ending September 30, 1988, for

educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 828—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 825. To make appropriations to the Department of Public Health for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 825—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Holmes and Harper:

H. 824. To make appropriations to the Alabama Department of Economic and Community Affairs for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 824—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 827. To make an appropriation to the Commission on Physical Fitness for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 827—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 826. To make appropriations to the Department of Youth Services for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 826—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 829. To make an appropriation from the State General Fund to the State Building Commission for the fiscal year ending September 30, 1988 and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 829—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 832. To make an appropriation to the Alabama Firefighters' Personnel Standards and Education Commission for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 832—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 830. To make an appropriation to the Department of Finance for the Telephone Revolving Fund for the fiscal year ending September 30, 1988,

for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 830—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 257. To make a supplemental appropriation of \$15,313 from the State General Fund to Dothan Landmarks for the fiscal year ending September 30, 1988, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 257—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 256. To make a supplemental appropriation of \$100,000 from the State General Fund to Fort Gaines for the fiscal year ending September 30, 1988, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 256—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 258. To make a supplemental appropriation of \$15,000 from the State General Fund to Helen Keller Property Board for the fiscal year ending September 30, 1988, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 258—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 259. To make a supplemental appropriation of \$25,000 from the State General Fund to Desoto Commission for the fiscal year ending September 30, 1988, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 259—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 261. To make a supplemental appropriation of \$25,000 from the State General Fund to the Legislative Council for the fiscal year ending September 30, 1988.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 261—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 262. To provide for a supplemental appropriation to the Department of Economic and Community Affairs (ADECA), for the Planning Program for the period ending September 30, 1988, in the amount of \$300,000.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 262—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 263. To make a supplemental appropriation of \$10,000 from the State General Fund to Brierfield Ironworks for the fiscal year ending September 30, 1988, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 263—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 264. To make a supplemental appropriation of \$10,000 from the State General Fund to Fort Payne Depot for the fiscal year ending September 30, 1988, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 264—to the Committee on Finance and Taxation

REPORTS OF COMMITTEES

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Cosby:

H. 303. To permit local boards of education and the Alabama Institute for Deaf and Blind to use a part of their kindergarten teacher unit funds under certain conditions to employ teacher aides to assist with the kindergarten instructional program based upon criteria established by the state superintendent of education and with his prior approval.

By Senators Holmes, Foshee, deGraffenried, Dial, Hale, Campbell, Covington, and Manley:

S. 365. Relating to education; providing for certain non-voting ex officio positions on the state board of education and on the boards of trustees of the several four-year state colleges and universities; prescribing the manner by which such ex officio positions shall be filled and the terms of such positions and providing that such ex officios shall receive certain mileage and per diem on meeting days.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Denton (With Notice and Proof):

S. 588. To amend Section 2 of Act No. 139, H. 90, First Special Session 1956, as amended, relating to the Office of Circuit Solicitor of the 31st Judicial Circuit of Alabama, and to provide for its retroactive effect.

By Senator Denton (With Notice and Proof):

S. 589. Relating to Lauderdale County; providing that due to the provisions of Section 12-17-92 of the Code of Alabama 1975, any salary increase paid to circuit judges shall automatically result in a supplemental salary increase for the circuit clerk.

By Rep. Blake (With Notice and Proof):

H. 126. Relating to St. Clair County; to provide for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Blake (With Notice and Proof) (With Amendment):

H. 127. Relating to St. Clair County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; abolishing the offices of tax assessor and tax collector; repealing conflicting laws; and providing for a referendum thereon.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Starkey, Goodwin, and Hamilton (With Notice and Proof):

H. 160. Relating to Lauderdale County; providing for the reidentification of registered voters in such county; prescribing the procedure for the reidentification of registered voters; providing a penalty for willfully making a false statement in connection with reidentification; exempting certain registered voters from the provisions of this act and repealing Act No. 87-258 of the 1987 Regular Session.

By Senator Langford (With Notice and Proof):

S. 355. Relating to Montgomery County; providing further for the compensation of the judge of probate; providing for an adjustment in said compensation; providing payment out of county funds.

By Senator Smith (J) (With Notice and Proof):

S. 493. To provide a supplement to the salary of each district judge in the Thirty-ninth Judicial Circuit.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Hilliard (With Notice and Proof) (With Substitute):

S. 376. To amend Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, approved September 18, 1973, as amended, to provide

for the participation of the unclassified employees of the City of Birmingham in the retirement and relief system of the City of Birmingham and to provide for related matters.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bennett (With Notice and Proof):

S. 194. To provide for the appointment of a chief deputy tax collector by the elected Jefferson County tax collector and to provide for compensation, funding and qualifications of said chief deputy.

By Senators Bennett and Amari (With Notice and Proof):

S. 371. To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of re-employment.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Bennett (With Notice and Proof) (With Substitute):

S. 372. To further amend Section 6 of Act No. 529 of the Legislature of Alabama of 1923, as codified in Title 62, Section 725, Code of Alabama 1940 (Recompiled 1958) and as amended by Act No. 87-788, to provide an expense allowance for members of the Park and Recreation Board of the City of Birmingham.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Hilliard (With Notice and Proof):

S. 373. To amend Act 248 of the 1945 Regular Session (General Acts of 1945, p. 376), as last amended by Act 87-815 of the 1987 Regular Session, relating to the Jefferson County civil service system, so as to provide further for the certification of candidates to fill vacancies in the classified service.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Hilliard (With Notice and Proof) (With Substitute):

S. 374. To amend Article VI, Section 8 of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), relating to the extraordinary disability

benefits of the City of Birmingham Retirement and Relief System, so as to provide that extraordinary disability benefits shall not be paid to any participant during any period that a disabled participant is able to perform other duties in his job classification or the customary duties of another job with that participant's employer, which duties or job has been offered to participant and which job pays a salary or wage equal to or greater than the salary or wage such participant was earning at the time of the incident causing the disability, and to provide that, for injuries occurring after January 1, 1988, the Board of Managers may waive the one year limitation and grant an application for extraordinary disability allowance if granted within thirty-six months after the incident resulting in such disability.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Spratt, Newton, Perdue, Petelos, Rogers, McDowell, Davis, White (G), Payne, Wright, Slaughter, Curry, Seibels, Gray, and McClain (With Notice and Proof):

H. 491. Relating to counties having a population excess of 500,000 according to the most recent federal decennial census; to amend Section 1 of Act No. 51-702, H. 33, 1961 Regular Session, which relates to the compensation of certain election officials so as to increase their compensation.

By Rep. Spratt (With Notice and Proof):

H. 334. Relating to Jefferson County; requiring the county commission to make certain office space provisions in the new Jefferson County Sheriff's Headquarters building located at Eighth Avenue and 22nd Street, North, in the City of Birmingham for certain personnel in the sheriff's department.

By Senator Hilliard (With Notice and Proof):

S. 476. To amend Section 11-52-32, Code of Alabama 1975, relating to planning, zoning and subdivisions, so as to provide further for the planning commissions of Class 1 municipalities to elect no less than three and no more than five of the members thereof to serve as a committee to approve or disapprove any plat presented to such commission.

By Senator Hilliard (With Notice and Proof):

S. 477. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief and retirement system for municipal officers and employees pursuant to the policemen's pension and relief plan provided by Act No. 502 of the 1923 Session of the Legislature of Alabama, as amended or codified: The Firemen's Pension and Relief Plan provided by Act No. 307 of the 1943 Session of the Legislature of Alabama, as amended (General Acts of Alabama of 1943, p. 264); the Limited Policemen's Retirement and Relief System provided by Act No. 470 of the 1955 Regular Session of the Legislature of Alabama, as amended (Acts of Alabama of 1955, p. 1067); and Limited Firemen's Pension and Relief System provided by Act No. 217 of the 1966 Special Session of the Legislature of Alabama, as amended (Acts of Alabama, Special Session 1966, p. 280), so as to provide that certain minimum monthly benefits shall be payable to certain persons.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Goodwin (With Notice and Proof):

S. 602. To fix the fee for the issuance of pistol permits in Dallas County and provide for the deposit of such fees in a fund known as the Sheriff's Law Enforcement fund and provide for the use of such fund and effective date.

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that the following Bill has been placed on the Consent Calendar for today, to-wit:

By Senator Manley:

S. 433. To allow the Alabama state oil and gas board to authorize and regulate the storage of gas in underground reservoirs, strata or formations, in conjunction with the condemnation rights conferred by chapter 5, Title 10, Code of Alabama 1975, and the eminent domain procedure established by chapter 1A, Title 18, Code of Alabama 1975.

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that the following Bill has been returned to the end of the Regular Order Calendar, to-wit:

By Reps. White (L), White (F), Carter, Butler, Carothers, Freeman, Williams, McKee, Hettinger, Johnson (RG), Grouby, Mikell, Hooper, Hall, Warren, Junkins, Faulk, Beasley, Richardson, Newman, Mathis, and Laird:

H. 141. Relating to pharmaceutical insurance coverage in health insurance policies and employee benefit plans so as to allow any individual who has insurance coverage or contract benefits for pharmaceutical services, including without limitation, prescription drugs, the right to select any pharmacy or pharmacist of his choice to furnish the pharmaceutical services, including without limitation, prescription drugs, provided under such plans or policies; to provide that it shall be the duty and responsibility of the commissioner of insurance to enforce the provisions of this act; and to provide for penalties for violations as provided in section 27-1-12 of the Code of Alabama 1975.

FURTHER CONSIDERATION OF S. B. 60

The Senate proceeded to further consideration of the Bill:

S. 60. Relating to water quality and protection; authorizing the Alabama Department of Environmental Management to establish a regulatory program for underground storage tanks and to establish a state program to protect wellhead areas of public water supply systems from contaminants which may have an adverse effect on the health of persons; prescribing penalties for violations of this act and authorizing said Department to promulgate rules and regulations to carry out the purposes of this act.

having been postponed on the Sixth Legislative Day.

The Standing Committee on Commerce, Transportation, and Utilities, reported the following substitute for the Bill, S. B. 60, to-wit:

SUBSTITUTE FOR S. B. 60

**A BILL
TO BE ENTITLED
AN ACT**

Relating to water quality and protection; authorizing the Alabama Department of Environmental Management to establish a regulatory program for underground storage tanks and to establish a state program to protect wellhead areas of public water supply systems from contaminants which may have an adverse effect on the health of persons; prescribing penalties for violations of this act and authorizing said Department to promulgate rules and regulations to carry out the purposes of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act may be cited as the Alabama Underground Storage Tank and Wellhead Protection Act of 1988.

Section 2. For the purposes of this act, unless otherwise indicated, the following terms shall have the meanings respectively ascribed to them by this section:

(a) "Commission" means the Alabama Environmental Management Commission.

(b) "Department" means the Alabama Department of Environmental Management.

(c) "Director" means the Director of the Alabama Department of Environmental Management.

(d) "Operator" means any person in control of, or having responsibility for, the daily operation of an underground storage tank.

(e) "Owner Of An Underground Storage Tank" means:

(1) in the case of an underground storage tank in use on November 8, 1984 or brought into use after that date, any person who owns an underground storage tank used for the storage, use, or dispensing of regulated substances, and

(2) in the case of any underground storage tank in use before November 8, 1984 but no longer in use on that date, the present owner of the tank and any person who owned such tank immediately before the discontinuation of its use.

(f) "Person" means any natural person, any firm, association, partnership, corporation, trust, the state and any agency of the state, governmental entity, the United States and any agency of the United States, a consortium, a joint venture, a commercial entity and any other legal entity.

(g) "Petroleum" means crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).

(h) "Pollution" means the presence or discharge of regulated substances in or on the land or in the water of the state.

(i) "Regulated Substance" means:

(1) Any substance identified as hazardous in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9601 through 9675). This shall not include any substance regulated as a hazardous waste under the Alabama Hazardous Wastes Management Act of 1978 as amended, (Code of Alabama 1975, Sections 22-30-1 et seq.) or the regulations promulgated under such Act; and

(2) Petroleum.

(j) "Release" means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing from an underground storage tank into waters or subsurface soils.

(k) "Underground Storage Tank" means any one or combination of tanks (including underground pipes connected thereto) used to contain an accumulation of regulated substances, and the volume of which (including the volume of the underground pipes connected thereto) is ten percent or more beneath the surface of the ground. Such term does not include any:

(1) Farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;

(2) Tank used for storing heating oil for consumptive use on the premises where stored;

(3) Septic tank;

(4) Pipeline facility (including gathering lines) regulated under:

(a) The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671, et seq.),

(b) The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001, et seq.), or

(c) State laws comparable to the provisions of law in clause (a) or (b) above;

(5) Surface impoundment, pit, pond, or lagoon;

(6) Stormwater or wastewater collection system;

(7) Flow-through process tank;

(8) Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations;

(9) Storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor;

(10) Other tanks exempted by the Administrator of the United States Environmental Protection Agency; and

(11) Piping connected to any of the above exemptions.

(l) "Waters" means all waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the state, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership or corporation unless such waters are used in interstate commerce.

(m) "Wellhead Protection Area" means the surface and subsurface area surrounding a water well or wellfield, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or well field.

Section 3. The Department, acting through the Commission, is authorized to promulgate rules and regulations governing underground storage tanks and is authorized to seek the approval of the United States Environmental Protection Agency to operate the state underground storage tank program in lieu of the federal program. In addition to specific authorities provided by this act, the Department is authorized, acting through the Commission, to adopt any rules or regulations that are mandatory requirements for approval of the state underground storage tank regulatory program by the United States Environmental Protection Agency. Adoption of rules and regulations governing underground storage tanks shall not occur prior to adoption by the United States Environmental Protection Agency of regulations establishing the federal program.

(a) The Department, acting through the Commission, is authorized to promulgate rules and regulations relating to underground storage tanks which may:

- (1) Establish construction and installation standards;
- (2) Establish performance standards;

(3) Require persons owning or operating underground storage tanks to achieve and maintain compliance with this Act and rules and regulations of the Department, promulgated under this Act;

(4) Require the owner or operator of an underground storage tank to provide to the Department information concerning the underground storage tank which may include, but is not limited to the name of the owner, the name of the operator, the location, and description of the facility at which the underground storage tank is located, regulated substances and quantities of regulated substances used or stored, and other information required to assess compliance with this Act or regulations promulgated under the authority of this Act.

(5) Establish abandonment and closure standards for underground storage tanks and require owners to report the abandonment and closure of underground storage tanks;

(6) Require the owner or operator of an underground storage tank to perform tests, to install release detection devices, where appropriate to install cathodic protection, and perform monitoring and to report the results of these activities to the Department or maintain records of these activities which will be made available for inspection at all reasonable times.

(b) The Department, acting through the Commission, is authorized to promulgate rules and regulations which:

(1) Require the owner or operator of an underground storage tank which the Director determines has released a regulated substance to perform investigations to determine the extent of pollution;

(2) Require the temporary or permanent cessation of the operation of an underground storage tank, modifications, and immediate removal or control of any regulated substance that is found to be causing pollution when such cessation, removal or control is determined to be required by the Director;

(3) Require the owner or operator responsible for pollution to take corrective action to protect human health and the environment and maintain beneficial uses of affected waters.

(4) Require the owner or operator responsible for polluting a drinking water source beyond applicable drinking water standards or where no established drinking water standard exists, such standard as the Director shall determine, to provide an alternate or temporary drinking water source to any person deprived of drinking water;

(5) Require any owner or operator of an underground storage tank which has released any regulated substance and who has knowledge that a release has occurred to make a timely report of the pollution or release and any resulting corrective action to the Department.

(c) The Department, acting through the Commission, is authorized to promulgate rules and regulations requiring the owner or operator of an underground storage tank to maintain evidence of financial responsibility for taking corrective action, providing alternate or temporary drinking water, and compensating third parties for bodily injury and property damages resulting from groundwater pollution caused by the operation of an underground storage tank only when such a requirement is mandatory for delegation of authority to the Department to manage a federal regulatory program and only to the extent required for delegation of that federal regulatory program.

Section 4. For the purposes of determining compliance with regulations or detecting pollution, any owner or operator of an underground storage tank shall upon request of a duly authorized representative of the Department:

(a) Furnish engineering, technical, and other information relative to such underground storage tank and installation;

(b) Furnish information describing regulated substances stored in an underground storage tank;

(c) Permit the representative, at all reasonable times, access to all records concerning the storage of regulated substances and permit the representative to copy said records; and

(d) Permit the representative to enter, at all reasonable times, property and buildings where an underground storage tank is located to allow the representative to inspect facilities and equipment and to conduct monitoring and sampling.

Section 5. To provide revenue for regulation, the Department shall, beginning October 1, 1988, collect a tank regulation fee of not less than fifteen dollars and not more than thirty dollars per regulated tank per year. This fee shall be collected in lieu of a permit or certification fee as provided by Section 22-22A-5, Code of Alabama 1975.

Section 6. (a) The Department shall be authorized to administer the expenditure of any funds made available from the Leaking Underground Storage Tank Trust Fund established by the Superfund Amendments and Reauthorization Act of 1986.

(b) To enable the Department to administer the Leaking Underground Storage Tank Trust Fund, or state fund, where applicable, the Department:

(1) Shall have authority to take investigative and corrective action with respect to releases of petroleum from underground storage tanks;

(2) Shall have the authority to expend any state funds which may be made available for investigative and corrective action or federal funds which are authorized for state use under 42 U.S.C. §6991b.(h) for investigative or corrective action involving releases of petroleum from underground storage tanks. Prior to expenditure of funds, except when a delayed response will result in an imminent and substantial endangerment to human health or the environment, the Department shall attempt to locate the person responsible for the release and shall attempt to require the responsible person, if the responsible person is solvent, to perform the investigation and to take corrective action. If no responsible person can be found within 90 days or such shorter period as may be necessary to protect human health and the environment, the Department may proceed with expenditure of federal funds for investigative and corrective actions.

(3) Is authorized to enter private property for the purpose of taking investigative and corrective action with respect to releases of petroleum from underground storage tanks; and

(4) May authorize persons, who have been awarded contracts by the Department to take investigative and corrective actions with respect to releases of petroleum from underground storage tanks, to enter private property for the purpose of taking investigative and corrective action.

(c) Whenever costs have been incurred by the Department for taking corrective action or enforcement action with respect to the release of petroleum from an underground storage tank, the owner or operator of the underground storage tank shall be liable to the Department for such costs. The Department shall seek recovery of any federal funds expended only to the extent required by the federal law and regulations providing the funds and shall seek recovery of state funds expended unless recovery of these funds were not intended by the funding authority.

Section 7. The Department, acting through the Commission, is authorized to promulgate rules and regulations to establish and protect wellhead areas, associated with public water supply systems, from contaminants which may have an adverse effect on the health of persons. The development and implementation of rules and regulations shall be in accordance with United States Environmental Protection Agency guidelines, policies, and regulations relative to wellhead protection areas and shall not be more stringent than the United States Environmental Protection Agency program.

Section 8. Any records, reports, or information obtained under this act shall be available to the public; except that upon a showing satisfactory to the Department by any person that records, reports or information, or a particular part thereof to which the Department has access under this section if made public, would divulge production or sales figures or methods, processes or production unique to such person or would otherwise tend to affect adversely the competitive position of such person by revealing trade secrets, the Department shall consider such record, report, or information or particular portion thereof, confidential. Nothing in this section shall be construed to prevent disclosures of such report, record, or information to federal or state representatives as necessary for purposes of administration of any federal or state laws or when relevant to proceedings under this act. Information concerning the presence or concentration of substances in waters shall not be considered confidential by the Department.

Section 9. Section 22-22A-5, Code of Alabama 1975, as amended is hereby amended to read as follows:

§ 22-22A-5

"In addition to any other powers and functions which may be conferred upon it by law, the department is authorized beginning October 1, 1982 to:

"(1) Administer appropriate portions of sections 9-7-10 through 9-7-22, which relate to permitting, regulatory and enforcement functions; administer and enforce the provisions and execute the functions of chapter 28 of this title; chapter 22 of this title; article 2 of chapter 23 of this title; chapter 30 of this title; appropriate portions of article 1 of chapter 27 of this title; sections 22-24-1 through 22-24-11; sections 22-25-1 through 22-25-15; and, the provisions of this Act.

"(2) Acting through the environmental management commission, promulgate rules, regulations and standards in order to carry out the provisions and intent of this chapter; provided, however, that prior to the promulgation of any state primary or secondary drinking water standard governed by sections 22-23-30 through 22-23-53 or any regulations dealing with hazardous wastes governed by sections 22-30-1 through 22-30-24, the department shall receive the approval of the state board of health. The state board of health shall provide the department a response to its request for approval within 60 days of receipt of such request unless such other time is mutually agreed upon by the department and the state board of health;

"(3) Acting through the environmental management commission, adopt and promulgate rules, regulations and standards for the department, and to develop environmental policy for the state;

"(4) Consistent with the provisions in subsection 22-22A-4(n), serve as the state agency responsible for administering federally approved or federally delegated environmental programs;

"(5) Serve as the state's clearinghouse for environmental data. The clearinghouse shall be developed in coordination and cooperation with other governmental data collection and record keeping systems to provide for an inventory, and for the cataloging and dissemination of environmental information;

"(6) Report, as appropriate, to the governor and to the legislature on the programs and activities of the department and to recommend needed changes in legislation or administrative practice;

"(7) Develop, conduct and disseminate education and training programs. Pursuant to this authority, the department shall establish a citizens' advisory committee to provide input into such education and training programs;

"(8) Enter into agreements and contracts, where appropriate, with other state agencies, the federal government or private individuals, in order to accomplish the purposes of this chapter;

"(9) Establish and maintain regional or field offices in order to provide more effective and efficient services to the citizens of the state;

"(10) Issue, modify, suspend or revoke orders, citations, notices of violation, licenses, certifications or permits;

"(11) Hold hearings relating to any provision of this chapter or relating to the administration thereof;

“(12) To enforce all provisions of this chapter and all provisions of law identified in subdivision (1) of this section and to file legal actions in the name of the department and to prosecute, defend or settle actions brought by or against the department or its agents. The attorney general shall represent the department in any and all legal actions brought by the department to enforce any provisions of this chapter; provided however, that if, within a reasonable time after the department refers the matter to him, he fails to file any such action, then the department may commence appropriate legal action. Nothing in this subdivision shall be construed so as to impair the authority of the attorney general to independently enforce the provisions of this chapter;

“(13) When necessary to achieve conformance with sections 9-7-10 through 9-7-22, acquire fee simple or less than fee simple, interest in land, water and other property under the procedures of Title 18 or other means; provided, however, that such power shall not apply to property and interest therein which is devoted to public use;

“(14) Apply for, where appropriate, accept, receive and administer grants or other funds or gifts from public and private agencies, including the federal government, for the purpose of carrying out any of the functions, purposes, or provisions of this chapter or any of the functions or provisions transferred to the department by this chapter;

“(15) Employ such professional, technical, clerical and other workers including attorneys and special counsel, and such consultants as are necessary and within available funds to carry out the purposes of this chapter;

“(16) Adopt rules and regulations relating to charging and collecting fees sufficient to cover the reasonable anticipated costs to be incurred by the department and directly related to the issuance, reissuance, modification or denial of any permit, license, certification or variance, such fees to include, but not be limited to, the reasonable anticipated cost of the examination and processing of applications, plans, specifications or any other data and any necessary public hearings and investigations; provided, however, that nothing in this subdivision shall be construed as modifying or affecting the provisions of section 22-24-5. A schedule of estimated reasonable anticipated costs shall be appended to rules and regulations with the understanding that fees may be higher or lower on a case-by-case basis;

“(17) In addition to any other remedies provided by law, recover in a civil action from any person who has violated, or threatens to violate, any provision of this chapter, or any provision of law identified in subdivision (1) of this section, or any rule or regulation promulgated thereunder, or any order, or condition of any permit, license, certification or variance issued by the department pursuant thereto, the actual costs reasonably incurred by the department to prevent, minimize or abate any adverse effect on air, land or water resources which results or may result from such violation. Such civil actions may be filed in the circuit court of the county in which the defendant resides or does business, or in which the violation or threatened violation occurs or in which the adverse effect occurs; and

“(18)a. Issue an order assessing a civil penalty to any person who violates any provision of law identified in subdivision (1) of this section, any rule, regulation or standard promulgated by the department, any provision of any order, or any condition of any permit, license, certification or variance issued

by the department, provided however, that no such order shall be issued to a person—

“1. If a civil action to recover a penalty for such violation has been commenced against such person as provided in paragraph b of this subdivision;

“2. For any violation at a coal mining operation regulated under sections 9-16-70 through 9-16-107 or Title V of Public Law 95-87, 30 U.S.C. §§ 1251-1279;

“3. If an order assessing a civil penalty for such violation has been issued to such person pursuant to subdivision (2) of subsection 22-28-23(b); or

“4. Who is a responsible corporate officer subject to a civil action for the recovery of a penalty under paragraph b of this subdivision.

Any order issued under this paragraph shall include findings of fact relied upon by the department in determining the alleged violation and the amount of the civil penalty and may be served in the manner provided for service of process in the Alabama Rules of Civil Procedure. Not later than 15 days after issuance of any such order, notice thereof shall be published for one day in a newspaper of general circulation in the county where the violation occurred. Where the department has issued an order finding that a violation has occurred and assessing a civil penalty, the person subject thereto shall pay the penalty in full within 30 days after issuance of such order unless such person has filed a timely request for a hearing to contest the issuance of such order in accordance with section 22-22A-7, in which case the penalty assessed in the order as approved or modified by the environmental management commission shall be paid in full within 30 days after the order is approved or modified by the environmental management commission or, if an appeal thereof is taken to circuit court, within 42 days after the court affirms the order as approved or modified by the environmental management commission. An order shall not be issued under this paragraph until the person subject thereto has been afforded an opportunity for an informal conference with the director or his designated representative concerning the alleged violation and penalty assessment. Civil penalties assessed in an order under this paragraph and not paid as provided herein may be recovered in a civil action brought by the department in the circuit court of Montgomery county or the county in which the defendant does business.

“b. Commence a civil action in the circuit court of the county in which the defendant or any material defendant resides or does business or in which the violation occurred to recover a civil penalty from such person for any violation of any provision of law identified in subdivision (1) of this section, any rule, regulation or standard promulgated by the department, any provision of any order or any condition of any permit, license, certification or variance issued by the department, provided however, that no such civil action may be commenced against a person if an order assessing a civil penalty for such violation has been issued to such person under paragraph a. of this subdivision. Whenever such person is a corporation and the violation is of a provision of law in chapter 22 of this title, or any rule, regulation or standard promulgated by the department thereunder, or any provision of any order or any condition of any permit, license, certification or variance issued by the department thereunder, the same civil penalties that may be imposed upon a person under this subdivision may be imposed upon the responsible

corporate officers in a civil action. Any person having an interest which is or may be adversely affected may intervene as a matter of right in any civil action commenced under this paragraph. The attorney general may also commence a civil action under this paragraph.

"c. Any civil penalty assessed or recovered under paragraph a. or b. of this subdivision shall not be less than \$100.00 or exceed \$25,000.00 for each violation, provided however, that the total penalty assessed in an order issued by the department under paragraph a. of this subdivision shall not exceed \$250,000.00. Each day such violation continues shall constitute a separate violation for purposes of this subdivision. In determining the amount of any penalty, consideration shall be given to the seriousness of the violation, including any irreparable harm to the environment and any threat to the health or safety of the public; the standard of care manifested by such person; the economic benefit which delayed compliance may confer upon such person; the nature, extent and degree of success of such person's efforts to minimize or mitigate the effects of such violation upon the environment; such person's history of previous violations; and the ability of such person to pay such penalty. Civil penalties may be assessed under this subdivision for any violation occurring within two years prior to the date of issuance of an order under paragraph a. of this subdivision or commencement of such civil action under paragraph b. of this subdivision. All civil penalties recovered under this subdivision by the department or attorney general shall be deposited into the state treasury to the credit of the general fund, except that portion which represents the reasonable costs incurred by the department or attorney general to recover such penalties which shall be deposited to the credit of the operating fund of the department or attorney general, which ever incurred such costs.

"(19) Commence a civil action in the circuit court of the county in which the defendant or any material defendant resides or does business or in which the threatened or continuing violation of any provision of law identified in subdivision (1) of this section, any rule, regulation or standard promulgated by the department, any provision of any order, or any condition of any permit, license, certification or variance issued by the department. The attorney general or district attorney having jurisdiction in the circuit, county or territory in which the threatened or continuing violation occurs may also commence a civil action to enjoin such violation. In any such action, any person having an interest which is or may be adversely affected may intervene as a matter of right.

"(20) Perform any other duty or take any other action necessary for the implementation and enforcement of this chapter."

Section 10. (a) Any person who willfully violates any provision of this act, or rule, regulation or standard adopted under this act, shall be punished by a fine of no more than \$25,000.00 per day of violation or by imprisonment for not more than one year, or by both. If the conviction is for a violation committed after a first conviction of such person under this subsection, punishment shall be by a fine of no more than \$50,000.00 per day of violation or by imprisonment for not more than two years, or by both.

(b) Any person who knowingly makes any false statement, representation or certification in any application record, report, plan or other document filed or required to be filed, or required to be maintained under this act, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under this act shall, upon

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conviction, be punished by a fine of not more than \$10,000.00 or by imprisonment for not more than six months, or by both.

Section 11. Rules and regulations pertaining to this act shall be adopted in accordance with applicable state and federal laws.

Section 12. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Foshee offered the following amendment to the substitute for the Bill, S. B. 60, to-wit:

AMENDMENT TO S. B. 60

In Section 11, on page 15, on line 23, after the language "federal laws." insert the following: Standards or restrictions of the Alabama Department of Environmental Management shall not be any more stringent than the standards or restrictions of the U.S. Environmental Protection Agency.

Which was adopted.

Yeas 11; Nays 10.

Yeas:

Senators:	Covington	Figures	Langford	
Bishop	deGraffenried	Foshee	Menton	
Campbell	Denton	Holmes	Mitchem	—11

Nays:

Senators:	Dial	Hale	Rice	
Bennett	Dixon	Hand	Smith (B)	
Cabaniss	Ellis	Manley		—10

And said substitute, as thus amended, was then adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	deGraffenried	Figures	Manley	
Bennett	Denton	Foshee	Menton	
Bishop	Dial	Hale	Rice	
Cabaniss	Dixon	Hand	Sanders	
Campbell	Drinkard	Holmes	Smith (B)	
Covington	Ellis	Langford		—22

Nays: —0

And said Bill, S. B. 60, as thus amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:	Denton	Hale	Mitchem	
Barron	Dial	Hand	Rice	
Bishop	Dixon	Holmes	Sanders	
Cabaniss	Drinkard	Langford	Smith (B)	
Campbell	Ellis	Manley	Smith (J)	
deGraffenried	Figures	Menton		—22

Nays: —0

MOTIONS IN WRITING

Senator Rice offered the following Motions in Writing, to-wit:

I move that the Bill, S. B. 522, on page 105 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, S. B. 521, on page 105 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which were adopted, and the President and Presiding Officer of the Senate ordered said Bills, S. B.'s 522 and 521, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Senator Manley requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 147. AUTHORIZING THE JOINT LEGISLATIVE STEERING COMMITTEE ON REAPPORTIONMENT TO PREPARE FOR REAPPORTIONMENT AFTER THE 1990 FEDERAL CENSUS BY ENTERING INTO REAPPORTIONMENT SOFTWARE, SUPPORT AND PROFESSIONAL SERVICE AGREEMENTS.

WHEREAS, in October of 1987 the State of Alabama announced to the United States Bureau of the Census its intention to participate in Phase II of the Bureau's Census Redistricting Data Program, and

WHEREAS, by these Phase II guidelines, it will be necessary to begin immediately preparing technical data for Alabama's reapportionment process.

WHEREAS, the Joint Legislative Steering Committee on Reapportionment has reviewed proposals from several of the nation's technical and consulting firms for providing the necessary tools, assistance, computer software and services to aid and assist the Alabama Legislature in its legislative, congressional and other reapportionment activities and needs; and

WHEREAS, the Joint Legislative Steering Committee on Reapportionment has now concluded that Public Systems Associates, Inc., can best provide such reapportionment software and support services to accomplish the reapportionment needs in the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Clerk of the House of

Representatives and the Secretary of the Senate, for and on behalf of the Joint Legislative Steering Committee on Reapportionment and the Alabama Legislature, be and they are hereby authorized to enter into an agreement with Public Systems Associates, Inc., for it to provide the reapportionment software and support services deemed necessary and desirable by such Committee and to contract for the necessary professional services to assist the Committee in its work and in the making and performance of such agreement with Public Systems Associates, Inc.

BE IT FURTHER RESOLVED, that payment for such software and services shall be made by the Clerk of the House of Representatives and the Secretary of Senate from funds annually appropriated to the Legislature for legislative operations and support programs.

On motion of Senator Manley, the Rules were suspended and the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Hand, B. I. R., H. B. 266, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Horn
Amari	Cabaniss	Foshee	Langford
Bailey	Campbell	Hale	Manley
Barron	Denton	Hand	Menton
Bedford	Dial	Hilliard	Rice
Bedsole	Dixon	Holmes	Sanders
Bennett	Drinkard		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 266. Relating to Escambia County; providing for additional clerks for the judge of probate for the Atmore Satellite Courthouse.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Horn
Amari	Cabaniss	Foshee	Langford
Bailey	Campbell	Hale	Manley
Barron	Denton	Hand	Menton
Bedford	Dial	Hilliard	Rice
Bedsole	Dixon	Holmes	Sanders
Bennett	Drinkard		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Hand, B. I. R., H. B. 267, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Horn
Amari	Cabaniss	Foshee	Langford
Bailey	Campbell	Hale	Manley
Barron	Denton	Hand	Menton
Bedford	Dial	Hilliard	Rice
Bedsole	Dixon	Holmes	Sanders
Bennett	Drinkard		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 267. To fix the fee for the issuance of pistol permits in Escambia County and provide for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund and provide for the use of such fund and an effective date.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Horn
Amari	Cabaniss	Foshee	Langford
Bailey	Campbell	Hale	Manley
Barron	Denton	Hand	Menton
Bedford	Dial	Hilliard	Rice
Bedsole	Dixon	Holmes	Sanders
Bennett	Drinkard		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Hand, B. I. R., H. B. 268, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Horn
Amari	Cabaniss	Foshee	Langford
Bailey	Campbell	Hale	Manley
Barron	Denton	Hand	Menton
Bedford	Dial	Hilliard	Rice
Bedsole	Dixon	Holmes	Sanders
Bennett	Drinkard		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 268. Relating to Escambia County; repealing Act No. 86-722, H. 5, 1986 1st Special Session, relating to the election of the chairman of the county commission.

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was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Horn
Amari	Cabaniss	Foshee	Langford
Bailey	Campbell	Hale	Manley
Barron	Denton	Hand	Menton
Bedford	Dial	Hilliard	Rice
Bedsole	Dixon	Holmes	Sanders
Bennett	Drinkard		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Hand, B. I. R., H. B. 269, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Horn
Amari	Cabaniss	Foshee	Langford
Bailey	Campbell	Hale	Manley
Barron	Denton	Hand	Menton
Bedford	Dial	Hilliard	Rice
Bedsole	Dixon	Holmes	Sanders
Bennett	Drinkard		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 269. Relating to Escambia County; to provide a procedure for handling cases involving invalid checks given for licenses, and the voiding of such licenses.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Horn
Amari	Cabaniss	Foshee	Langford
Bailey	Campbell	Hale	Manley
Barron	Denton	Hand	Menton
Bedford	Dial	Hilliard	Rice
Bedsole	Dixon	Holmes	Sanders
Bennett	Drinkard		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Hand, B. I. R., H. B. 319, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Horn	
Amari	Cabaniss	Foshee	Langford	
Bailey	Campbell	Hale	Manley	
Barron	Denton	Hand	Menton	
Bedford	Dial	Hilliard	Rice	
Bedsole	Dixon	Holmes	Sanders	
Bennett	Drinkard			—25

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 319. Relating to Escambia County; providing for additional assistants for the county tax assessor and tax collector for the Atmore Satellite Courthouse.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Horn	
Amari	Cabaniss	Foshee	Langford	
Bailey	Campbell	Hale	Manley	
Barron	Denton	Hand	Menton	
Bedford	Dial	Hilliard	Rice	
Bedsole	Dixon	Holmes	Sanders	
Bennett	Drinkard			—25

Nays: —0**BUDGET ISOLATION RESOLUTION**

Senator Holmes, B. I. R., S. B. 421, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Ellis	Manley	
Bedsole	Denton	Figures	Mitchem	
Cabaniss	Dial	Goodwin	Previtt	
Campbell	Dixon	Hand	Sanders	
Covington	Drinkard	Holmes		—18

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 421. To amend Sections 8-17-210, 8-17-211, 8-17-213, 8-17-221, and 8-17-222, Code of Alabama 1975, which sections provide for the regulation of fireworks in Alabama, so as to provide further for such regulation.

was taken up.

The Standing Committee on Small Business reported the following substitute for the Bill, S. B. 421, to-wit:

SUBSTITUTE FOR S. B. 421

**A BILL
TO BE ENTITLED
AN ACT**

To amend Sections 8-17-210, 8-17-211, 8-17-213, 8-17-221 and 8-17-222, Code of Alabama 1975, which sections provide for the regulation of fireworks in Alabama, so as to define the term "distributor," to set age restrictions for certain sellers, to set the date certain permits may be issued, to regulate record keeping by certain permit holders, and to regulate further the storage, display and explosion of fireworks.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 8-17-210, Code of Alabama 1975, is hereby amended to read as follows:

"§8-17-210.

"As used in this article, the following terms shall have the meanings ascribed to them in that section, unless clearly indicated otherwise:

"(1) **DISTRIBUTOR.** Any person engaged in the business of making sales of fireworks for resale to all holders of the required Alabama permits ~~under this act, who in turn shall resell to any permit holder;~~ or any person who receives, brings, or imports any fireworks of any kind into the state of Alabama, ~~except to a holder of an Alabama manufacturer's or distributor's permit.~~

"(2) **D.O.T. CLASS C COMMON FIREWORKS.** All articles of fireworks as are now or hereafter classified as D.O.T. Class C common fireworks in the regulations of the U. S. Department of Transportation for the transportation of explosive and other dangerous articles.

"(3) **MANUFACTURER.** Any person engaged in the making, manufacture or construction of fireworks of any kind within the state of Alabama.

"(4) **PERMIT.** The written authority of the state fire marshal issued under the authority of this article.

"(5) **PERSON.** Includes any corporation, association, copartnership or one or more individuals.

"(6) **RETAILER.** Any person engaged in the business of making sales of fireworks to consumers within the state of Alabama during a calendar year from January 1 through December 31.

"(7) **SALE.** An exchange of articles ~~or~~ of fireworks for money, including barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as principal proprietor, salesman, agent, association, copartnership or one or more individuals.

"(8) **FIREWORKS SEASONS.** The dates of June 20 through July 10 and December 15 through January 2 of each year shall be the only periods when seasonal retailers may sell fireworks.

"(9) SEASONAL RETAILER. Any person engaged in the business of making sales of fireworks to consumers within the state of Alabama during the fireworks season(s) only, from permanent buildings or temporary or moveable stands.

"(10) SPECIAL FIREWORKS. All articles of fireworks that are classified as Class B explosives in the regulations of the U. S. Department of Transportation, including all articles classified as fireworks other than those classified as Class C.

"(11) WHOLESALE. Any person engaged in the business of making sales of fireworks to any other person engaged in the business of making sales at retail or seasonal retail."

Section 2. Section 8-17-211, Code of Alabama 1975, is hereby amended to read as follows:

"§8-17-211.

"(a) It shall be unlawful for any person to manufacture, sell, offer for sale, ship or cause to be shipped into or within the state of Alabama, except as herein provided, any item of fireworks, without first having secured the required applicable permit, as a manufacturer, distributor, wholesaler, retailer, or seasonal retailer, from the state fire marshal, possession of said permit being hereby made a condition prerequisite to manufacturing, selling or offering for sale, shipping or causing to be shipped any fireworks into or within the state of Alabama, except as herein provided. This provision applies to nonresidents as well as residents of the state of Alabama. Mail orders where consumers purchase any fireworks through the mail or receive any fireworks in Alabama by mail, parcel service, or other carrier are prohibited. A sales clerk must be on duty to serve consumers at the time of purchase or delivery. All fireworks sold and delivered to consumers within the state of Alabama must take place within the state of Alabama and be sold and delivered only by an individual, firm, partnership or corporation holding the proper Alabama fireworks permit and all fireworks coming into the state, manufactured, sold or stored within the state shall be under the supervision of the state fire marshal as provided for in this article.

"(b) Prior to engaging in the manufacture or sale within the state of Alabama, or shipment into the state of Alabama, of any fireworks, each person making shipment or delivery or receiving any fireworks into or within the state of Alabama, must make application on forms secured from the state fire marshal for a permit or permits required under this article for each location at which fireworks are to be offered for sale.

"(c) A manufacturer's permit issued under this article shall be subject to rules and regulations promulgated by the state fire marshal to govern the manufacture of fireworks as in his judgment the public welfare may require.

"(d) The decision of the state fire marshal as to what type of permit or permits shall be required of each person shall be final. The state fire marshal may deny a permit to an applicant or revoke a permit if he has knowledge or reason to believe the safety standards and conditions of this article are not or can not be met by the applicant. No permit shall be issued to a person under the age of 18 years. No person under the age of 18 years will be allowed to sell fireworks from any permitted location. All permits shall be for the calendar year or any fraction thereof and shall expire on December 31 of each year, two days of grace shall be allowed holders of permits after expiration thereof. Only one seasonal retailer permit shall be

required for a full calendar year and it shall be valid for both fireworks seasons, provided that the building is not moved from the location where it was originally permitted and no substantial structural or environmental changes have occurred. A seasonal retailer permit may be issued after July ~~eight~~ tenth for the remaining fireworks season of that calendar year. All permits issued must be displayed in their place of business. No permit provided for herein shall be transferable nor shall a person be permitted to operate under a permit issued to any other person or under a permit issued for another location, unless transfer shall have been approved by the state fire marshal.

“(e) The state fire marshal is authorized and directed to charge for permits issued as follows:

“(1) Manufacturer, \$1,000.00;

“(2) Distributor, \$1,000.00;

“(3) Wholesaler, \$350.00;

“(4) Retailer, \$100.00;

“(5) Seasonal retailer, \$100.00;

“(6) Seasonal retailer after July 10, \$50.00;

“(7) Display, \$25.00;.

“(f) Only holders of a retailer or seasonal retailer permit will be authorized to engage in the retail sale of permitted items as defined in section 8-17-217, in any quantity, to consumers.

“(g) A holder of a manufacturer's permit will not be required to have any additional permit or permits in order to sell to distributors, wholesalers, retailers or seasonal retailers.

“(h) A record of all sales by manufacturers, distributors or wholesalers must be kept showing the names and addresses of purchasers. All fees collected for said permits shall be paid into the fire marshal revolving fund for the enforcement of this article. The state fire marshal may designate a deputy fire marshal as the 'fireworks enforcement officer' who shall have the responsibility of directing enforcement of the state fireworks laws.

“(i) The state fire marshal is charged with the enforcement of this article and may call upon any state or county or city peace officer for assistance in the enforcement of this article. The fire marshal is not authorized to promulgate rules or regulations in conflict with or that go beyond the scope or intent of this article.”

Section 3. Section 8-17-213, Code of Alabama 1975, is hereby amended to read as follows:

“§8-17-213.

“No person shall deliver, sell or ship fireworks into or within the state of Alabama unless the consignee produces the required permit or evidence that the consignee holds said permit. No person shall purchase fireworks from another person without first requiring proof that the proper permit required of the seller herein has been obtained and is current and valid. Each holder of a permit under the provisions of this article shall keep an accurate record of each shipment received. Each holder of a permit as

manufacturer, distributor or wholesaler shall keep a record of each sale, delivery or out shipment of fireworks. Such records shall be clear, legible and accurate, showing the name and address of the seller or purchaser, item and quantity received or sold. Such records are to be kept at each place of business and shall be subject to examination by the state fire marshal or his deputies, who shall have the authority at any reasonable time to require any manufacturer, distributor, wholesaler, retailer, or seasonal retailer or ~~retailer~~ to produce records for the current year and the immediately preceding full calendar year."

Section 4. Section 8-17-221, Code of Alabama 1975, is hereby amended to read as follows:

"§8-17-221.

"(a) Placing, storing, locating or displaying of fireworks in any window where the sun may shine through glass onto the fireworks so displayed or to permit the presence of lighted cigars, cigarettes or pipes within 10 feet of where the fireworks are offered for sale is hereby declared unlawful and prohibited. At all places where fireworks are stored or sold, there must be posted signs with the words 'FIREWORKS—NO SMOKING' in letters not less than four inches high.

"(b) No fireworks shall be sold ~~at retail~~ at any permanent location where paints, oils or varnishes are for sale or use unless kept in the original unbroken containers, ~~nor where gasoline or other flammable liquid or gas is used, stored or sold, if the use, storage, or sale creates an undue hazard to person or property. No fireworks shall be sold at retail from any temporary or moveable stand where paints, oils, or varnishes are for sale or use unless kept in the original unbroken containers,~~ nor within 50 feet of where gasoline or other flammable liquid or gas is used, stored or sold.

"(c) Any fireworks devices that are readily accessible to handling by consumers or purchasers must have their fuses protected in such a manner as to protect against accidental ignition of an item by a spark, cigarette ash or other ignition source. Safety type thread wrapped and coated fuses shall be exempt from this provision.

"(d) No ~~retail or seasonal retail~~ permit shall be issued for the sale of fireworks at retail from tents or from or in a motor vehicle or from a trailer towed by a motor vehicle. A permit may be issued for the sale of fireworks from a modular or mobile building when the structure is eight feet or more in width and thirty-two feet or more in length, from which all wheels have been removed and the structure placed on a non-mobile foundation. No permit shall be issued to an applicant for a previously unpermitted location, until the premises where fireworks are to be stored or sold have been inspected by the state fire marshal or his designated representative and it shall have been determined that such building and facilities ~~within the building and facilities for storage~~ meet reasonable safety standards for the storage and sale of permissible fireworks. Inspection is not required for renewal of permits at the same location to be operated by the same owner unless there has occurred substantial structure or environmental changes."

Section 5. Section 8-17-222, Code of Alabama 1975, is hereby amended to read as follows:

"§8-17-222.

"It shall be unlawful to offer for sale or to sell any fireworks to children under the age of 16 years unless accompanied by an adult or to any intoxicated

or irresponsible person. Any person purchasing fireworks shall be required to show a valid driver's license or state approved identification card. It shall be unlawful to explode or ignite fireworks within 600 feet of any church, hospital, asylum, public school, ~~any enclosed building~~, or within 200 feet of where fireworks are stored, sold or offered for sale, or within 50 feet of any other building. No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle while within nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle, or at or near any person or group of people."

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Covington	Figures	Mitchem
Bedsole	deGraffenried	Goodwin	Preuitt
Bennett	Dial	Hand	Sanders
Cabaniss	Dixon	Holmes	Smith (B)
Campbell	Ellis	Langford	—18

Nays: —0

And said Bill, S. B. 421, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	deGraffenried	Figures	Manley
Bedsole	Denton	Goodwin	Mitchem
Bennett	Dial	Hand	Preuitt
Cabaniss	Dixon	Holmes	Sanders
Campbell	Drinkard	Langford	Smith (B)
Covington	Ellis		—21

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., S. B. 433, adopted.

Yeas 19; Nays 1.

Yeas:

Senators:	Covington	Drinkard	Langford
Bedsole	deGraffenried	Ellis	Manley
Bennett	Denton	Hale	Mitchem
Cabaniss	Dial	Hand	Preuitt
Campbell	Dixon	Holmes	Sanders
			—19

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 433. To allow the Alabama state oil and gas board to authorize and regulate the storage of gas in underground reservoirs, strata or formations, in conjunction with the condemnation rights conferred by chapter 5, Title 10, Code of Alabama 1975, and the eminent domain procedure established by chapter 1A, Title 18, Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	deGraffenried	Figures	Langford
Bedsole	Denton	Goodwin	Manley
Bennett	Dial	Hale	Mitchem
Cabaniss	Dixon	Hand	Preuitt
Campbell	Drinkard	Holmes	Sanders
Covington	Ellis		

—21

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 833. To make an appropriation from the State General Fund to the Office of Prosecution Services for the fiscal year ending September 30, 1988 and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 833—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 834. To make an appropriation from the State General Fund to the Alabama Academy of Honor for the fiscal year ending September 30, 1988

and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 834—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 835. To make an appropriation from the State General Fund to the Alabama Law Institute for the fiscal year ending September 30, 1988 and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 835—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 836. To make an appropriation to the Alabama State Council on the Arts and Humanities for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 836—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 837. To make an appropriation from the State General Fund to the Examiners of Public Accounts for the fiscal year ending September 30, 1988 and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 837—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 838. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1988, and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 838—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 839. To make appropriations to the Department of Education for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 839—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 840. To make an appropriation to the Alabama Public Library Service for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 840—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 841. To make an appropriation from the State General Fund to the Department of Mental Health and Mental Retardation for the fiscal year

ending September 30, 1988 and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 841—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 265. To make a supplemental appropriation of \$2,500 from the State General Fund to Lee County Historical Society and Museum and \$15,000 from the State General Fund to the Pea River Historical Society for the fiscal year ending September 30, 1988, and to require an operations plan and audited financial statement prior to release of any funds.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 265—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 260. To make a supplemental appropriation of \$50,000 from the State General Fund to America's Junior Miss Pageant, Inc. for the fiscal year ending September 30, 1988.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 260—to the Committee on Finance and Taxation

BILL RE-REFERRED

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following Bill, S. B. 460, and ordered same returned to the Senate with the recommendation that it be re-referred to another committee.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 460, re-referred to the Standing Committee on Judiciary.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 245. To create the Alabama Manufactured Housing Commission Recovery Fund; to insure that purchasers of manufactured homes have a forum for addressing complaints regarding said homes; to create a fund to compensate said purchasers if their complaints are not remedied; and to provide that consumer complaints regarding manufactured houses shall be heard by the Alabama Manufactured Housing Commission, an independent state agency, in accordance with the terms of the Alabama Administrative Procedure Act.

The question was on the Amari amendment to the Committee amendment to the Bill, which said amendments are set out in the Journal of the Senate for the Fifteenth Legislative Day.

On motion of Senator Manley, further consideration of the Bill, S. B. 245, and pending amendments, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Denton, B. I. R., S. B. 529, adopted.

Yeas 21; Nays 1.

Yeas:

Senators:	Denton	Goodwin	Manley
Bedsole	Dial	Hale	Menton
Bennett	Dixon	Hand	Preuitt
Cabaniss	Drinkard	Hilliard	Sanders
Covington	Ellis	Langford	Smith (J)
deGraffenried	Figures		

—21

Nay: Senator Amari

—1

SPECIAL ORDER
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 529. To propose an amendment to the Constitution of Alabama of 1901, as amended, which relates to the authority of the Alabama music hall of fame board to constitute an authority to issue general obligation bonds for capital outlay purposes and for the purposes for which it was created and to prescribe the powers thereof; to provide for the operation of the board as such authority, the allocation and expenditure of funds; to provide for exemptions from any and all taxes of any nature whatsoever; to provide that in the event appropriations, current revenues or bond proceeds are insufficient to cover costs, the state of Alabama shall pledge its full faith and credit; to provide that the legislature may enact subsequent legislation relating to said music hall supplemental to this amendment or in furtherance of the purposes and objectives of the provisions not in conflict herewith; and to provide that this amendment shall be self-executing when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of Alabama of 1901, as amended.

And said Bill, S. B. 529, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Dial	Hale	Manley
Bishop	Dixon	Hand	Menton
Cabaniss	Drinkard	Hilliard	Mitchem
Covington	Ellis	Holmes	Preuitt
deGraffenried	Figures	Langford	Sanders
Denton	Goodwin		

—21

Nays:

—0

RESOLUTION

Senator Bishop offered the following Senate Resolution, to-wit:

S. R. 148. REQUESTING DIRECTION FROM THE GOVERNOR'S OFFICE ABOUT BUDGET MATTERS.

Which was read and referred to the Standing Committee on Rules.

POINT OF PERSONAL PRIVILEGE

Senator Bedford requested that the Journal show that had he been present when the Bill, S. B. 529, was passed, he would have voted "Yea."

BUDGET ISOLATION RESOLUTION

Senator Ellis, B. I. R., S. B. 326, adopted.

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Yeas 21; Nays 1.

Yeas:

Senators:	deGraffenried	Goodwin	Menton
Bedford	Denton	Hale	Mitchem
Bennett	Dixon	Hand	Preuitt
Cabaniss	Drinkard	Holmes	Sanders
Campbell	Ellis	Langford	Smith (J)
Covington	Figures		

—21

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 326. To amend section 15-22-31, Code of Alabama 1975, which provides for the retaking of parolees, with or without arrest warrants, so as to increase the number of days a parolee may be held awaiting the arrival of a warrant.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Covington	Figures	Langford
Bedford	deGraffenried	Goodwin	Menton
Bennett	Denton	Hale	Mitchem
Cabaniss	Dixon	Hand	Preuitt
Campbell	Drinkard	Hilliard	Sanders
Corbett	Ellis	Holmes	Smith (J)

—23

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 306, adopted.

Yeas 20; Nays 1.

Yeas:

Senators:	Drinkard	Hilliard	Mitchem
Bedford	Figures	Holmes	Preuitt
Cabaniss	Goodwin	Horn	Sanders
Campbell	Hale	Langford	Smith (B)
Denton	Hand	Menton	Smith (J)
Dixon			

—20

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 306. Relating to the further regulation of liquefied petroleum gas and the powers, duties and authority of the Liquefied Petroleum Gas Board;

to amend Sections 9-17-100, 9-17-101, 9-17-102, 9-17-104, 9-17-105, 9-17-106, 9-17-107, 9-17-108 and 9-17-109 of the Code of Alabama 1975, as amended; and to provide for administrative remedies with rights to appeal for correcting noncompliance with law and with regulations of the Liquefied Petroleum Gas Board.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Dixon	Hand	Mitchem	
Bedford	Drinkard	Hilliard	Preuitt	
Cabaniss	Figures	Holmes	Sanders	
Campbell	Foshee	Langford	Smith (B)	
Covington	Goodwin	Menton	Smith (J)	
Denton	Hale			—21

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B. I. R., S. B. 97, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Menton	
Bailey	Denton	Hale	Mitchem	
Bedford	Dixon	Hand	Smith (B)	
Cabaniss	Drinkard	Hilliard	Smith (J)	
Campbell	Foshee	Langford		—18

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 97. To require the posting of personnel vacancy notices by all public school systems and certain educational institutions at each school campus or work site at least 20 calendar days or 15 workdays before such personnel positions are to be filled.

was taken up.

The Standing Committee on Education reported the following substitute for the Bill, S. B. 97, to-wit:

SUBSTITUTE FOR S. B. 97

A BILL TO BE ENTITLED AN ACT

To require public school systems and certain institutions to post public notices of vacancies when such vacancies occur.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Definition.

When used in this section, the following term shall have the following meaning:

1) EDUCATIONAL AUTHORITY or EMPLOYER. All public county school systems; all public city school systems; all schools or colleges under the auspices of the State Board of Education; the Alabama Institute for Deaf and Blind; the Department of Youth Services School District; the Alabama School of Fine Arts.

Section 2. VACANCY NOTICES.

"Each educational authority shall post in prominent locations at school campus or work site vacancy notices for each personnel position to be filled. Each school system or institution shall provide reasonable notice of such vacancies. Each school system shall not endanger the safety of students, employees or the proper operations of the school system by failing to fill any such vacancies which require immediate employment."

Section 3. SEVERABILITY.

If any part or parts of this act are declared invalid or unconstitutional it shall have no affect on the part which remains.

Section 4. REPEALER.

All laws or parts of laws which conflict with the provisions of this act are hereby expressly repealed.

Section 5. EFFECTIVE DATE.

This act shall become law immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Senator Campbell, said substitute was laid on the table.

Senator Campbell then offered the following substitute for the Bill, S. B. 97, to-wit:

SUBSTITUTE FOR S. B. 97

**A BILL
TO BE ENTITLED
AN ACT**

To require public school systems and certain institutions to post public notices of vacancies when such vacancies occur.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Definition.

When used in this section, the following term shall have the following meaning:

1) EDUCATIONAL AUTHORITY or EMPLOYER. All public county school systems; all public city school systems; all schools or colleges under the auspices of the State Board of Education; the Alabama Institute for Deaf and Blind; the Department of Youth Services School District; the Alabama School of Fine Arts.

Section 2. VACANCY NOTICES.

Each educational authority shall post in a prominent location at the school campus or work site where a vacancy exists vacancy notices for each position to be filled. Each educational authority shall provide reasonable notice of such vacancies. No educational authority shall endanger the safety or educational welfare of students or employees or jeopardize the proper operations of the school system by failing to fill any vacancy which requires immediate employment.

Section 3. SEVERABILITY.

If any part or parts of this act are declared invalid or unconstitutional it shall have no effect on the part which remains.

Section 4. REPEALER.

All laws or parts of laws which conflict with the provisions of this act are hereby expressly repealed.

Section 5. EFFECTIVE DATE.

This act shall become law immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Menton	
Bailey	Covington	Goodwin	Mitchem	
Bedford	Denton	Hale	Smith (B)	
Cabaniss	Dixon	Hand	Smith (J)	
Campbell	Drinkard	Hilliard		—18

Nays: —0

And said Bill, S. B. 97, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Menton	
Bailey	Covington	Goodwin	Mitchem	
Bedford	Denton	Hale	Smith (B)	
Cabaniss	Dixon	Hand	Smith (J)	
Campbell	Drinkard	Hilliard		—18

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 147. AUTHORIZING THE JOINT LEGISLATIVE STEERING COMMITTEE ON REAPPORTIONMENT TO PREPARE FOR REAPPORTIONMENT AFTER THE 1990 FEDERAL CENSUS BY

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ENTERING INTO REAPPORTIONMENT SOFTWARE, SUPPORT AND
PROFESSIONAL SERVICE AGREEMENTS.

JOHN W. PEMBERTON,
Clerk.

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., S. B. 7, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Menton	
Bailey	Denton	Hale	Mitchem	
Bedford	Dixon	Hand	Smith (B)	
Cabaniss	Drinkard	Hilliard	Smith (J)	
Campbell	Foshee	Langford		—18

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 7. To provide for the establishment and administration of a working capital fund, from certain revenues in the State Road and Bridge Fund, so as to pay claims against the State Highway Department's self-insurance program, pursuant to Section 23-1-41, Code of Alabama 1975, as amended, in the event that the Director of the Highway Department with the approval of the Governor elects to administer this program with Highway Department personnel; and to provide procedures for the establishment and operation of said working capital fund.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Menton	
Bailey	Denton	Hale	Mitchem	
Bedsole	Dixon	Hand	Preuitt	
Cabaniss	Drinkard	Hilliard	Smith (B)	
Campbell	Foshee	Langford	Smith (J)	
Corbett				—20

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Dixon, B. I. R., S. B. 66, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	Denton	Hale	Menton	
Bedsole	Dixon	Hand	Preuitt	
Cabaniss	Drinkard	Hilliard	Smith (B)	
Campbell	Foshee	Langford	Smith (J)	
Covington	Goodwin			—17

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 66. To amend Section 5-5A-28, Code of Alabama 1975, as amended, so as to include deposits of trust funds deposited in a bank by its trust department to the list of deposits for which the bank is authorized to pledge assets as security therefor.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Menton	
Amari	Covington	Hale	Preuitt	
Bailey	Denton	Hand	Sanders	
Bedford	Dixon	Hilliard	Smith (B)	
Bedsole	Drinkard	Holmes	Smith (J)	
Cabaniss	Foshee			—21

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Hale, B. I. R., S. B. 128, adopted.

Yeas 20; Nays 1.

Yeas:

Senators:	Dixon	Hand	Mitchem	
Bedsole	Drinkard	Hilliard	Preuitt	
Cabaniss	Foshee	Holmes	Sanders	
Campbell	Goodwin	Langford	Smith (B)	
Covington	Hale	Menton	Smith (J)	
Denton				—20

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 128. To propose a law to authorize two or more incorporated municipalities to establish self-funded insurance funds for the purpose of providing liability protection for the member municipalities.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem	
Amari	Drinkard	Hilliard	Preuitt	
Bedsole	Foshee	Holmes	Sanders	
Cabaniss	Goodwin	Langford	Smith (B)	
Campbell	Hale	Menton	Smith (J)	
Covington				—20

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bennett, B. I. R., S. B. 47, adopted.

Yeas 19; Nays 1.

Yeas:

Senators:	Denton	Hale	Menton	
Bedsole	Dixon	Hand	Mitchem	
Bennett	Drinkard	Holmes	Preuitt	
Campbell	Foshee	Horn	Smith (B)	
Covington	Goodwin	Langford	Smith (J)	—19

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 47. To require pipeline facilities transporting hazardous liquids and/or liquefied natural gas (LNG) and facilities used in the liquefaction of natural gas to comply with certain standards of safety; granting certain additional rights, powers and authority to the Alabama Public Service Commission to carry out the purposes of this Act; prescribing jurisdictions of courts for injunction proceedings; and prescribing monetary sanctions for violations of certain standards of safety.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Mitchem	
Amari	Covington	Hale	Preuitt	
Bedford	Denton	Hand	Sanders	
Bedsole	Dixon	Holmes	Smith (B)	
Bennett	Drinkard	Langford	Smith (J)	
Cabaniss	Foshee	Menton		—22

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Preuitt, B. I. R., H. B. 193, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	Covington	Hale	Mitchem	
Bedford	Denton	Hand	Preuitt	
Bedsole	Dixon	Langford	Sanders	
Bennett	Drinkard	Menton	Smith (J)	
Cabaniss	Goodwin			—17

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 193. A bill to amend §34-24-74 to provide that a physician licensed to practice medicine in any state or the District of Columbia who may be called into this state to treat a patient in consultation with a physician licensed in this state shall be allowed the temporary privilege of practicing in this state and that such privilege shall be limited to ten (10) calendar days in a calendar year; and to provide that a physician licensed to practice in any state who accompanies a patient being transported to this state for treatment shall be permitted to render medical care to the patient being transported and on arrival shall immediately refer the care of the patient to a physician licensed in this state.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Menton	
Amari	Campbell	Goodwin	Mitchem	
Bedford	Covington	Hale	Preuitt	
Bedsole	Denton	Hand	Sanders	
Bennett	Dixon	Langford	Smith (J)	—19

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Hale, B. I. R., S. B. 330, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	Campbell	Goodwin	Mitchem	
Barron	Covington	Hale	Preuitt	
Bedford	Denton	Langford	Sanders	
Bedsole	Dixon	Menton	Smith (J)	
Cabaniss	Drinkard			—17

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 330. To provide for the conservation of the natural resources of the State; designating the caves and caverns of the State and the flora, fauna, mineral deposits and formations therein as worthy of preservation, protection and development for scenic, scientific, recreational, business and commercial purposes; protecting the rights of property owners and the general public in caves; to provide for liability for certain acts, to prohibit vandalism and pollution; to designate certain acts relative to caves and their contents as criminal offenses and to prescribe penalties therefor.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 18; Nays 0.

Yeas:

Senators:	Bedsole	Dixon	Menton	
Amari	Cabaniss	Drinkard	Mitchem	
Bailey	Campbell	Goodwin	Preuitt	
Barron	Covington	Hale	Sanders	
Bedford	Denton	Langford		—18

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Drinkard, B. I. R., H. B. 417, adopted.

Yeas 19; Nays 1.

Yeas:

Senators:	Cabaniss	Goodwin	Mitchem	
Barron	Campbell	Hale	Preuitt	
Bedford	Covington	Holmes	Sanders	
Bedsole	Denton	Langford	Smith (B)	
Bennett	Drinkard	Menton	Smith (J)	—19

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

H. 417. Relating to state deposits, to create the 1988 George Wallace, Jr., Plan of Linked Deposits; to provide for legislative intent and purpose; to provide for definitions; to authorize the state treasurer to use a certain percentage of state funds for the Plan; to authorize the treasurer to enter into agreements with participating lending institutions of this state whereby the state makes deposits with participating lending institutions at rates of interest lower than the prevailing market rates of interest in return for the commitment of the lending institution to lend equal amounts of funds to eligible agricultural and business borrowers at similarly reduced rates of interest with the objective of stimulating agriculture and business and preserving or creating jobs for Alabama citizens; to establish criteria for qualifying for such low interest loans; to provide for amounts and terms of such loans; to provide for the pricing of such linked deposits and the loans upon which they are based; to provide for application forms and procedures for such loans; to require annual reporting by the treasurer to the legislature regarding the Plan; and to specifically terminate the Plan September 30, 1991, unless the legislature extends it.

was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Senators:	Bennett	Dixon	Menton	
Amari	Cabaniss	Drinkard	Mitchem	
Bailey	Campbell	Goodwin	Preuitt	
Barron	Covington	Hale	Sanders	
Bedford	deGraffenried	Holmes	Smith (B)	
Bedsole	Denton	Langford	Smith (J)	—23

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Barron, B. I. R., S. B. 428, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Mitchem	
Barron	deGraffenried	Hale	Preuitt	
Bedford	Denton	Langford	Sanders	
Bedsole	Dixon	Manley	Smith (J)	
Cabaniss	Drinkard	Menton		—18

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 428. To create and provide for the incorporation, organization and operation of the Alabama water system assistance authority; to prescribe the powers and functions of the said authority as a public corporation; to authorize the authority to make loans or grants to public water systems and to issue bonds; to establish a special "water supply assistance fund"; to provide for a legislative oversight committee to monitor such authority; to provide that the revenues accruing to the Alabama water system assistance authority from bonds issued by such authority shall be deposited in a certain fund to be operated by the Alabama department of economic and community affairs; and to provide for state assistance to and cooperation with community water systems in financing projects that would focus on locating, developing and sustaining adequate potable water supplies for the citizens of this state.

was taken up.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, S. B. 428, to-wit:

SUBSTITUTE FOR S. B. 428**A BILL
TO BE ENTITLED
AN ACT**

To create and provide for the incorporation, organization and operation of the Alabama water system assistance authority; to prescribe the powers and functions of the said authority as a public corporation; to authorize the authority to make loans or grants to public water systems and to issue bonds; to establish a special "water supply assistance fund"; to provide for a legislative oversight committee to monitor such authority; to provide that the revenues accruing to the Alabama water system assistance authority from bonds issued by such authority shall be deposited in a certain fund to be operated by the Alabama department of economic and community affairs; and to provide for state assistance to and cooperation with community water systems in financing projects that would focus on locating, developing and sustaining adequate potable water supplies for the citizens of this state.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following words and phrases, whenever used in this act, shall have the following respective meanings unless the context clearly indicates otherwise:

(1) **AUTHORITY.** The corporation organized pursuant to the provisions of this act as a public corporation, agency and instrumentality of the state and known as the "Alabama water system assistance authority."

(2) **AUTHORIZING RESOLUTION.** A resolution or order adopted by the board of directors of the authority authorizing the issuance of bonds by the authority pursuant to this act.

(3) **BOARD OF DIRECTORS.** The board of directors of the Alabama water system assistance authority.

(4) **BONDS.** The "water system assistance bonds," notes or obligations or other evidences of indebtedness issued by the authority under the provisions of this act.

(5) **BOND PROCEEDS.** The direct proceeds of sale of bonds or notes, and the income derived from the investment of such proceeds.

(6) **COMMUNITY WATER SYSTEM.** A public water system as defined in Section 22-23-31(12) of the Code of Alabama 1975.

(7) **DEPARTMENT.** The department of economic and community affairs or any successor.

(8) **PROJECT(S).** Research and development, site purchase and preparation, initial construction, expansion or renovation of water supply facilities.

Section 2. It is the intent of the legislature acting by and through the authority and the department to aid, assist and coordinate existing community water systems in locating, developing and sustaining adequate potable water supplies for the citizens of this state and to this end to authorize the incorporation of a state authority with power and authority to issue water system assistance bonds, as may be necessary, from time to time, to finance community water system projects.

Section 3. The governor, the lieutenant governor, the speaker of the house of representatives, the director of the department of economic and community affairs, the director of the department of environmental management, the director of finance, one member of the ways and means committee in the House of Representatives appointed by the chairman of said committee and one member of the finance and taxation committee in the Senate appointed by the chairman of said committee may become a public corporation to be known as the Alabama water system assistance authority with the power and authority hereinafter provided, by proceeding according to the provisions of this act. Provided, however, that actions taken by such authority shall be monitored, from time to time, by a special "Water assistance legislative oversight committee" composed of three members of the House of Representatives appointed by the Speaker of the House and three senators appointed by the Lieutenant Governor. Members of the legislature serving on this oversight committee shall be entitled to their regular legislative per diem and travel expenses on such committee's meeting days. The Lieutenant Governor shall appoint a chairperson for such committee and the Speaker of the House shall appoint the vice-chairperson. Such committee shall meet, from time to time, on request of either the

chairperson or the authority. The Lieutenant Governor and the Speaker of the House shall make the aforementioned appointments within fifteen days of the effective date of this act.

Section 4. There is hereby established a special fund within the department to be known as the "water supply assistance fund." Proceeds from the sale of bonds issued by the authority shall be deposited in this special "water supply assistance fund." Money in such fund shall be expended in accordance with adopted regulations and policies of the authority and may be used to provide a loan bank for community water system supply projects and to secure principal and interest on bonds issued by the authority. Money not currently needed for the operation of the water supply assistance fund may be invested, from time to time, by the board and all interest earned on such investments shall be credited to the water supply assistance fund.

Section 5. (a) To become a corporation, the governor, the lieutenant governor, the speaker of the house, the director of the department, the director of the department of environmental management, the director of finance and the two legislators appointed to the authority in Section 3 of this act shall present to the secretary of state of Alabama an application signed by them which shall set forth:

(1) The name, official designation and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office;

(2) The date on which each applicant was inducted into office and the term of office of each of the applicants;

(3) The name of the proposed corporation, which shall be the "Alabama water system assistance authority";

(4) The location of the principal office of the proposed corporation; and

(5) Any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this act or any other laws of the state. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of this state to take acknowledgments to deeds. The secretary of state shall examine the application; and if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

When the application has been made, filed and recorded as herein provided, the applicants shall constitute a corporation under the name proposed in the application, and the secretary of state shall make and issue to the applicants a certificate of incorporation pursuant to this act, under the great seal of the state, and shall record the certificate with the application. There shall be no fees paid to the secretary of state for any work done in connection with the incorporation or dissolution of the authority.

(b) The applicants named in the application and their respective successors in office shall constitute the members of the authority. The governor shall be the president of the authority, the director of the department of environmental management shall be the vice-president thereof and the director of finance shall be the secretary thereof. The members of the authority shall constitute all the members of the board of directors of the authority, and any five members of the said board of directors shall constitute a quorum for the transaction of business. Should any person holding any state office

named in this section cease to hold such office by reasons of death, resignation, expiration of his term of office or for any other reason, then his successor in office shall take his place as a member, officer or director of the authority. No member, officer or director of the authority shall draw any salary, in addition to that now authorized by law, for any service he may render or for any duty he may perform in connection with the authority.

(c) All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the authority, shall be signed by at least five members of the authority and shall be recorded in a substantially bound book and filed in the office of the secretary. Copies of such proceedings, when certified by the secretary of the authority, under the seal of the authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

Section 6. (a) The authority shall have the following powers, among others specified by this act:

(1) To have succession in its corporate name until the principal of and interest on all bonds issued by it shall have been fully paid;

(2) To sue and be sued and to prosecute and defend, at law and in equity, in any court having jurisdiction of the subject matter and of the parties thereto;

(3) To have and to use a corporate seal and to alter such seal at pleasure;

(4) To establish a fiscal year;

(5) To construct and operate or lease to or from any community water system;

(6) To execute agreements effectively obligating the authority to **agree to pay and to pay such portion of the estimated** reasonable cost of the project of each community water system as may be required to meet the water supply goals of the state;

(7) To issue bonds or other obligations provided such proceeds are deposited in a special "water supply assistance fund" within the department;

(8) To enter into such agreements in connection with the sale of its bonds as the board shall determine, including arrangements for letters of credit, bond insurance or other credit enhancement devices, provided that no such arrangement shall obligate funds of the authority other than as provided in this act; and

(9) To appoint and employ such attorneys, financial advisors, agents and employees as the business of the authority may require.

(10) To promulgate and establish guidelines and procedures relating to loans or grants by the authority including but not necessarily limited to limits on the amounts of such loans or grants and eligibility requirements for such loans or grants.

(b) The authority shall use accounting, audit, and fiscal procedures conforming to generally accepted government accounting standards.

(c) The governor shall deliver an annual report of the authority to the legislature.

Section 7. For the purpose of providing funds for the authority to make loans to community water systems for a project or projects, or for the

payment of obligations incurred or temporary loans made for any of said purposes, the authority is hereby authorized, from time to time, to issue and sell its bonds or other evidences of indebtedness. Such bonds may be issued in one or more series; shall be in such form and denominations and of such terms and maturities, not exceeding 35 years from the date of issue of each series; shall bear such rate or rates of interest, payable and evidenced in such manner; may contain such provisions for registration or for redemption prior to maturity; and may contain such other provisions not inconsistent herewith, all as may be provided by the authorizing resolution. As security for the payment of the principal of and interest on its bonds, the authority is authorized to pledge, transfer and assign any obligations of each community water system, payable to the authority and the security for such obligation.

Section 8. The bonds and other evidences of indebtedness of the authority may be sold at such time or times as the board of directors may deem advantageous. The bonds may be sold at private or public sale. Bonds sold at public sale shall be awarded to the bidder whose bid reflects the lowest net interest cost to the authority for the bonds being sold, computed to their respective absolute maturities; provided, that if no bid acceptable to the authority is received, it may reject all bids and readvertise. Notice of any public sale shall be given by such publication or by such distribution of notices of sale or both, as the board of directors may determine subject to state law. The authority may pay from the proceeds of the sale of its bonds all expenses, including publication and printing charges, attorney's fees, financial advisory fees, and other expenses which the board of directors may deem necessary or advantageous in connection with the authorization, advertisement, sale, execution and issuance thereof.

Section 9. In anticipation of the issuance of bonds, the authority may borrow such sums as may be needed for any of the aforesaid purposes and to obligate itself by certificate or promissory note, bearing interest at a rate or rates to be specified by the authority, and maturing within 18 months from the date of such certificate or promissory note. Such certificates or promissory notes shall be payable solely from the proceeds of the bonds of the authority and from the funds from which such bonds are payable. In the event that authority funds are not available for a loan for a project when application is made, in order to accelerate the completion of any project, a community water system may, with the approval of the authority, obligate such community water system to provide local funds to pay that portion of the cost of the project which the authority will make available by loan, and the authority shall refund the amount expended on its behalf by such water system.

Section 10. The authority may, from time to time, issue and sell its refunding bonds for the purpose of refunding any matured or unmatured bonds of the authority at the time outstanding and any premiums necessary to be paid to redeem any bonds so to be refunded. The holders of such refunding bonds shall be subrogated and entitled to all priorities, rights and pledges to which the bonds refunded thereby were entitled.

Section 11. (a) In order to provide for the funding of the loan by the authority for a project to a community water system, such water system shall establish a dedicated source of revenue to repay the monies received from the authority and to provide for operation, maintenance and equipment

replacement expenses. Such water system is hereby authorized and empowered, any existing statute to the contrary notwithstanding, to do and perform any one or more of the following:

(1) To obligate itself to pay to the authority at periodic intervals a sum sufficient to provide bond debt service with respect to the bonds of the authority issued to fund the loan for such project and to pay over such debt service to the account of the project for deposit to the water supply assistance fund;

(2) To levy, collect and pay over to the authority and to obligate itself to continue to levy, collect and pay over to the authority the proceeds of any one or more of the following:

- a. Any water supply service fee or charge; and
- b. Other revenue available to the community water system;

(3) To undertake and obligate itself to pay its contractual obligation to the authority solely from the proceeds from any one or more of the sources specified in subdivision (2) above, or to impose upon itself a general obligation pledge, if appropriate, to the authority additionally secured by a pledge of any one or more of such sources;

(4) To obligate itself to continue to levy and collect such revenues, fees and charges as shall equal not less than 110 percent nor more than 125 percent, as determined by the authority of the maximum principal and interest maturing and coming due in any one year on the bonds issued by the authority to fund a loan for the project; and

(5) To enter into such agreements, to perform such acts and to delegate **such functions and duties as its governing body shall determine to be necessary** or desirable to enable the authority to fund a loan to the community water system to aid it in the construction or acquisition of a project.

(b) In the event of default, the authority may utilize all available remedies under state law.

(c) All loans made by the authority shall provide that repayment of such loans shall be made in accordance with guidelines for such repayment made by the authority.

(d) The recipients of loans shall maintain project accounts in accordance with generally accepted government accounting standards.

Section 12. The state treasurer may invest any idle or surplus moneys of the state in bonds of the authority. The governing body of any county or municipality is authorized in its discretion to invest any idle or surplus money held in its treasury in bonds of the authority. Such bonds shall be legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority, and for savings banks and insurance companies organized under the laws of the state.

Section 13. All bonds or other indebtedness of the authority and the coupons applicable thereto and the income therefrom and all projects or parts thereof and all assets of the authority shall be forever exempt from any and all taxation in the state.

Section 14. All securities issued by the authority shall be exempt from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation, the provisions of chapter 8 of Title 8, Code of Alabama 1975.

Section 15. This act is intended to aid the state through the furtherance of its purposes by providing an appropriate and independent instrumentality of the state with full and adequate powers to fulfill its functions. Except as expressly provided in this act, no proceeding, notice or approval shall be required for the incorporation of the authority, the purchase of any loans or the making of any loan to a community water system, the issuance of any bonds, or the exercise of any other of its powers by the authority.

Section 16. All bonds issued by the authority, while registered, shall be construed to be negotiable instruments even though they are payable from a limited source. All coupons applicable to any bonds issued by the authority, while the applicable bonds are registered as to both principal and interest, shall likewise be construed to be negotiable instruments although payable from a limited source.

Section 17. All bonds, notes and certificates issued by the authority shall be solely and exclusively obligations of the authority, payable solely from the revenues, income, fees or charges which may pursuant to the provisions of this act, be pledged to the payment thereof, and no such bonds, notes or certificates shall create an obligation or debt of the state. Provided, however, that an agreement by the authority to make a loan to a community water system for a project shall impose an obligation on the state to make such loan from any funds which are then or may thereafter become available regardless of the funding of the loan by the community water system and subject only to any terms and conditions set forth in such agreement.

Section 18. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 19. All laws or parts of laws which conflict with this act are hereby repealed.

Section 20. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Drinkard offered the following amendment to the substitute for the Bill, S. B. 428, to-wit:

AMENDMENT TO S. B. 428

Amend the Committee substitute for S. B. 428, Page 3, Line 9, by inserting after the word finance, the words "one member of the health committee in the House of Representatives appointed by the chairman of said committee, one member of the health committee in the Senate appointed by the chairman of said committee"

Which was adopted.

And the substitute, as thus amended, was then adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Manley	
Barron	Covington	Goodwin	Menton	
Bedford	deGraffenried	Hale	Mitchem	
Bedsole	Denton	Hand	Preuitt	
Bennett	Dixon	Horn	Smith (J)	
Cabaniss				—20

Nays: —0

And said Bill, S. B. 428, as thus amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Manley	
Bailey	Corbett	Goodwin	Menton	
Barron	Covington	Hale	Mitchem	
Bedford	deGraffenried	Hand	Sanders	
Bedsole	Denton	Horn	Smith (B)	
Bennett	Dial	Langford	Smith (J)	
Cabaniss	Dixon			—25

Nays: —0

BILL RECONSIDERED

On motion of Senator Hale, the Senate reconsidered the vote by which the Bill, S. B. 330, was passed.

On motion of Senator Hale, the Senate reconsidered the vote by which the Bill, S. B. 330, was ordered to its third reading.

Senator Hale then offered the following substitute for the Bill, S. B. 330, to-wit:

SUBSTITUTE FOR S. B. 330

A BILL TO BE ENTITLED AN ACT

To provide for the conservation of the natural resources of the State; designating the caves and caverns of the State and the flora, fauna, mineral deposits and formations therein as worthy of preservation, protection and development for scenic, scientific, recreational, business and commercial purposes; protecting the rights of property owners and the general public in caves; to provide for liability for certain acts, to prohibit vandalism and pollution; to designate certain acts relative to caves and their contents as criminal offenses and to prescribe penalties therefor.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following words and phrases when used in this act shall for the purpose of this act have the meanings respectively ascribed to them

in this section, except in those instances where the context clearly indicates a different meaning:

A. Cave—Any natural subterranean cavity that is at least fifty feet in length or depth, or any combination of length and depth or that contains obligatory cavernicolous fauna (animals obliged to live underground). The word "cave" includes but is not limited to cavern, pit, pothole, well (natural), sinkhole, and/or grotto.

B. Speleothem—A natural secondary mineral deposit or formation in a cave. This includes but is not limited to deposits called stalactites, stalagmites, helictites, anthodites, gypsum flowers, needles, or angels hair, soda straws, draperies, bacon, cave pearls, popcorn, rimstone dams, columns, palettes and flowstone. Speleothems are commonly composed of calcite, aragonite, epsomite, gypsum, celestite, and other similar minerals.

C. Commercial Cave—Any cave or portion of a cave that is improved with trails and lighting utilized by the owner or lessee for the purpose of exhibition to the public as a profit or nonprofit enterprise.

D. Wild Cave—Any cave or portion of a cave that is not a commercial cave.

Section 2. A. While engaged in cave related activities, no person or organization, or formal or informal group of persons in the company of other persons whether he or they be leading, accompanying, or in the area with the other person, shall be held liable for injuries or the results of actions by said other person, unless said other person acted as a result of an act or order issued by the first person intended to inflict injury.

B. Each person in a group engaged in cave related activities is individually responsible for evaluating the safety of group equipment which that person intends to use, such as ropes, rigging, anchor devices, climbing gear and similar equipment. The club, organization, group, leader, organizer, or person owning or emplacing such gear or equipment shall not be held liable for failure of any such equipment or gear or its emplacement, except, if the rigging or equipment is altered after the person injured has had an opportunity to inspect it.

Section 3. It shall be unlawful and constitute a misdemeanor for any person, organization, firm or corporation, including any officer, agent or employee of any town or municipality to:

a. Maliciously break, break off, crack, carve upon, write, burn, damage, or otherwise mar or mark on, remove, or in any other manner destroy, disturb, deface, mar or harm the walls of any speleothem in any cave, except for recognized scientific purposes.

b. Discard litter or refuse to any degree in any cave.

c. Break, force, tamper with, remove, or otherwise disturb a lock, gate, door, or other structure or obstruction designed to control or prevent access to any cave, unless such act is specifically ordered by the owner.

d. Offer for sale any speleothem or export from the State of Alabama speleothems for sale elsewhere.

e. Remove, kill, harm or disturb any plant or animal life found within any wild cave, except for recognized scientific purposes.

f. The provisions and subsections a through e of this section shall not apply to a recognized rescue unit operating in response to an emergency or believed emergency.

Section 4. It shall be unlawful and constitute a misdemeanor for any person, organization, firm, corporation, including any officer, employee or agent of any town or municipality to risk the pollution of the underground water resources of the state by storing, dumping, disposing, or otherwise placing in caves, sinkholes or natural wells: chemicals, refuse, dead animals, garbage or other materials which are potentially injurious or hazardous to the quality of the aquifer, water and/or water table.

Section 5. A. Violations of the misdemeanor provisions of this act shall incur the following penalties:

1. First offense: A Class C misdemeanor.
2. Second offense: A Class B misdemeanor.
3. Subsequent offenses: A Class A misdemeanor.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Campbell	Dixon	Horn
Amari	Corbett	Drinkard	Langford
Barron	Covington	Goodwin	Manley
Bedford	deGraffenried	Hale	Menton
Bennett	Denton	Hand	Mitchem
Cabaniss	Dial		

—21

Nays: —0

And said Bill, S. B. 330, as thus amended by the substitute, was again read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Cabaniss	Denton	Hale
Amari	Campbell	Dial	Horn
Barron	Corbett	Dixon	Langford
Bedford	Covington	Drinkard	Manley
Bedsole	deGraffenried	Goodwin	Menton
Bennett			

—20

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Denton, B. I. R., S. B. 205, adopted.

Yeas 18; Nays 1.

Yeas:

Senators:	Cabaniss	Dixon	Langford	
Barron	Campbell	Drinkard	Manley	
Bedford	Covington	Goodwin	Menton	
Bedsale	Denton	Hale	Mitchem	
Bennett	Dial	Hand		—18

<i>Nay:</i> Senator Amari	—1
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BILLS ON THIRD READING RESUMED**THE BILL:**

S. 205. To amend Sections 22-27-3 and 22-27-6, Code of Alabama 1975, which relate to the authority of local governing bodies as to methods of waste collections and disposal, and the time for local government compliance with the solid waste laws so as to provide further for the methods of waste collection and disposal facilities for solid wastes; to grant to the several county commissions and municipalities the power and authority by resolution or ordinance to adopt rules and regulations requiring mandatory public participation in solid waste collection and disposal programs; providing that failure to comply with the provisions of the article by the owner of solid waste generating property shall constitute a public nuisance and providing for the assessment for the cost of such collection and disposal against such solid waste generating property; to provide for the collection of such assessments; to provide that the amounts of such assessments shall be a lien on the property against which they are assessed and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary county taxes; and to amend Section 22-27-7, Code of Alabama 1975, which relates to penalties for violation of the provisions of the article so as to further provide for such penalties.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Cabaniss	Dial	Langford	
Amari	Campbell	Dixon	Manley	
Barron	Covington	Goodwin	Menton	
Bedford	deGraffenried	Hale	Mitchem	
Bedsale	Denton	Hand	Pruitt	
Bennett				—20

<i>Nays:</i>	—0
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BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 210, adopted.

REGULAR SESSION
17th Day

875

Yeas 19; Nays 1.

Yeas:

Senators:	Cabaniss	Dial	Hand	
Barron	Campbell	Dixon	Langford	
Bedford	Covington	Drinkard	Manley	
Bedsole	deGraffenried	Goodwin	Menton	
Bennett	Denton	Hale	Preuitt	—19

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

H. 210. To amend sections 12-18-55, 12-18-58, and 12-18-60, Code of Alabama 1975, to provide that district judges who have served 10 years as a district judge and have reached 70 years of age shall be eligible to retire, regardless of whether such service is continuous; to further provide spousal benefits for district judges equal to 3 percent of their state salary; to further provide that the amount of benefits received by retired district judges shall be computed based on a percentage of their state salary rather than the retirement pay received by circuit judges and to provide that such judges shall be entitled to the same cost-of-living increases as received by retired state employees.

was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Langford	
Amari	Campbell	Goodwin	Manley	
Barron	Covington	Hale	Menton	
Bedford	deGraffenried	Hand	Mitchem	
Bedsole	Denton	Hilliard	Preuitt	
Bennett	Dial			—21

Nays: —0

RESOLUTION

Senator Bedford offered the following Senate Resolution, to-wit:

S. R. 149. COMMENDING MISS MILLIE HANCOCK OF RUSSELLVILLE, ALABAMA.

Which was filed.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bill delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 202

Delivered to the Governor March 29, 1988, at 2:00 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 5:55 P.M., on motion of Senator Manley, in accordance with Motion heretofore adopted, the Senate adjourned until Wednesday, March 30, 1988, at 6 o'clock P.M.

EIGHTEENTH LEGISLATIVE DAY

WEDNESDAY, MARCH 30, 1988

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Bobby Denton, First Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Meredith Bailey, Stratford Academy, Macon, Georgia.

ROLL CALL

Present:

Senators:	Campbell	Figures	Langford
Amari	Corbett	Foshee	Manley
Bailey	Covington	Goodwin	Menton
Barron	deGraffenried	Hale	Mitchem
Bedford	Denton	Hand	Parsons
Bedsole	Dial	Hilliard	Preuitt
Bennett	Dixon	Holmes	Rice
Bishop	Drinkard	Horn	Smith (J)
Cabaniss	Ellis		

—33

JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventeenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Seventeenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Sanders and Smith (B) for today.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 60. Relating to water quality and protection; authorizing the Alabama Department of Environmental Management to establish a regulatory program for underground storage tanks and to establish a state program to protect wellhead areas of public water supply systems from contaminants which may have an adverse effect on the health of persons; prescribing penalties for violations of this act and authorizing said Department to promulgate rules and regulations to carry out the purposes of this act.

Also:

S. 97. To require public school systems and certain institutions to post public notices of vacancies when such vacancies occur.

Also:

S. 330. To provide for the conservation of the natural resources of the State; designating the caves and caverns of the State and the flora, fauna, mineral deposits and formations therein as worthy of preservation, protection and development for scenic, scientific, recreational, business and commercial purposes; protecting the rights of property owners and the general public in caves; to provide for liability for certain acts, to prohibit vandalism and pollution; to designate certain acts relative to caves and their contents as criminal offenses and to prescribe penalties therefor.

Also:

S. 421. To amend Sections 8-17-210, 8-17-211, 8-17-213, 8-17-221 and 8-17-222, Code of Alabama 1975, which sections provide for the regulation of fireworks in Alabama, so as to define the term "distributor," to set age restrictions for certain sellers, to set the date certain permits may be issued, to regulate record keeping by certain permit holders, and to regulate further the storage, display and explosion of fireworks.

Also:

S. 428. To create and provide for the incorporation, organization and operation of the Alabama water system assistance authority; to prescribe the powers and functions of the said authority as a public corporation; to authorize the authority to make loans or grants to public water systems and to issue bonds; to establish a special "water supply assistance fund"; to provide for a legislative oversight committee to monitor such authority; to provide that the revenues accruing to the Alabama water system assistance authority from bonds issued by such authority shall be deposited in a certain fund to be operated by the Alabama department of economic and community affairs; and to provide for state assistance to and cooperation with community water systems in financing projects that would focus on locating, developing and sustaining adequate potable water supplies for the citizens of this state.

BILL DRINKARD,
Chairperson.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Fuller:

H. 49. Relating to supernumerary magistrates; providing for eligibility requirements, terms of office, oath of office, compensation and prior service credit for magistrates for supernumerary status.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 49—to the Committee on State Development and Tourism

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Goodwin:

S. 619. Amending section 3-1-10, Code of Alabama 1975, which provides penalties for unlawfully or maliciously killing or injuring animals or things of value of another by increasing the fine and changing the criminal penalty from six months to up to one year in the county jail.

Committee on Agriculture,
Conservation, and Forestry.

By Senators Barron and Cabaniss:

S. 620. To provide that no member of the teachers' retirement system of Alabama or any person retired therefrom, who as a student had prior full time employment with a state supported educational institution of higher learning, may purchase credit for such service after a specified time period and then only subject to certain conditions and limitations; to provide for the certification and purchase of such service. To provide further for the exclusion from membership of student employees in higher education whose employment is incidental to their student status, and who are hired after the effective date of this act; and to exclude from membership in the teachers' retirement system of Alabama any employee who is a student in a primary or secondary school.

Committee on Finance and Taxation.

By Senator Bedsole:

S. 621. To amend Section 9-2-14, Code of Alabama 1975, as amended, to provide that the Advisory Board of Conservation and Natural Resources will consist of three ex officio members and eleven members appointed by the Governor as follows: one member shall be chosen from each of the

Congressional districts in the State, one member shall be an individual whose primary livelihood is dependent upon agriculture, one member shall be an individual whose primary livelihood is dependent upon the forestry industry, one member shall be an individual whose primary livelihood is dependent upon the fishing or seafood industry and one member shall be an individual whose primary livelihood is dependent upon or is involved in wildlife management; to provide that the terms of the present appointive members of the said Board will expire on December 31, 1988; to provide for the terms of the appointive members of the said Board; and to provide an effective date.

Committee on Agriculture,
Conservation, and Forestry.

By Senators Amari and Bedford:

S. 622. To amend and reenact Act No. 87-812, S. 490, 1987 Regular Session (Acts 1987, p. 1616) now appearing as sections 34-37-1 through 34-37-18, Code of Alabama 1975, relating to plumbers and gas fitters, so as to provide further for the Alabama plumbers and gas fitters examining board and certification by the board.

Committee on Economic Affairs.

By Senators Drinkard, Goodwin, Manley, Smith (J), Bedsole, Parsons, Holmes, Dixon, Hand, Bennett, Barron, Foshee, Denton, Horn, Preuitt, Cabaniss, Hilliard, Amari, Covington, Bishop, Dial, deGraffenried, Campbell, Figures, and Hale:

S. 623. To amend Section 5-13A-2, Code of Alabama 1975, relating to banks and banking, to add the State of Texas to the states within the definition of "region" covered by the Alabama Regional Reciprocal Banking Act of 1986; to provide for severability of the provisions of this Act; to provide for the amendment of conflicting laws to the extent of such conflict; and to provide an effective date.

Committee on Banking and Insurance.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Rains:

H. J. R. 336. CONGRATULATING THE REVEREND AND MRS. TED COLEMAN ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Rains:

H. J. R. 337. CONGRATULATING MR. AND MRS. MARSHALL GAMBLE ON THE OCCASION OF THEIR 69TH WEDDING ANNIVERSARY.

Also:

By Rep. Wright:

H. J. R. 338. CONGRATULATING MR. AND MRS. CHARLES G. HOWARD ON THE OCCASION OF THEIR 61ST WEDDING ANNIVERSARY.

Also:

By Rep. Ford:

H. J. R. 339. COMMENDING THE LITCHFIELD HIGH SCHOOL EAGLES ON THE ACCOMPLISHMENTS OF THEIR 1988 BASKETBALL SEASON.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 336, 337, 338, and 339, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Butler, Hall, Hettinger, Brooks, and Grayson:

H. J. R. 332. HONORING JOHN WRIGHT OF HUNTSVILLE, ALABAMA, FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF ALABAMA IN HUNTSVILLE AND TO THE COMMUNITY.

Also:

By Rep. Parker:

H. J. R. 333. COMMENDING JEANIECE SLATER, ONE OF OUR STATES MOST OUTSTANDING YOUNG ATHLETES.

Also:

By Rep. Rains:

H. J. R. 334. CONGRATULATING MR. AND MRS. ELBERT HENRY JONES ON THE OCCASION OF THEIR 71ST WEDDING ANNIVERSARY.

Also:

By Rep. Rains:

H. J. R. 335. CONGRATULATING MR. AND MRS. ALVIE LEE PIKE ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 332, 333, 334, and 335, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Thursday, March 31, 1988, at 9:45 A.M., which motion was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Ford:

H. J. R. 329. COMMENDING COACH WYMAN TOWNSEL AND THE ETOWAH HIGH SCHOOL BLUE DEVILS ON THEIR OUTSTANDING 1987 FOOTBALL SEASON.

Also:

By Rep. Ford:

H. J. R. 330. COMMENDING COACH BRENT CLIFTON AND THE WEST END HIGH SCHOOL PATRIOTS ON THEIR OUTSTANDING 1987 FOOTBALL SEASON.

Also:

By Rep. Ford:

H. J. R. 331. COMMENDING THE ETOWAH HIGH SCHOOL BLUE DEVILS ON THEIR OUTSTANDING 1988 BASKETBALL SEASON.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 329, 330, and 331, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. White (G) (With Notice and Proof):

H. 725. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Homewood, in Jefferson County.

REGULAR SESSION
18th Day

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 725, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 725—to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holley (With Notice and Proof):

H. 784. Relating to Coffee County; providing an expense allowance for members of the board of equalization; and providing for retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 784, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Holley (With Notice and Proof):

H. 793. Relating to Coffee County; amending Section 4 of Act No. 87-337, H. 392, 1987 Regular Session (Acts 1987, p. 491), which levies a county privilege, license or excise tax on tobacco and certain tobacco products and provides for the distribution of said proceeds for county fire protection, so as to authorize the county commission to enter into a service contract to provide county fire protection with one association composed of volunteer fire departments and municipally funded fire departments; providing for the distribution of compensation paid to such association for services rendered; authorizing such association to require certain standards and criteria for its members and to deny funds to noncomplying members; and providing for retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 793, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 784 and 793—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Beasley (With Notice and Proof):

H. 687. Relating to Henry County; to authorize the Henry County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 687, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Faulk (With Notice and Proof):

H. 733. Relating to Crenshaw County; authorizing branch banking.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 733, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 687 and 733—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 106. To amend Section 22-30-5.1, Code of Alabama 1975, as amended, to prohibit the siting or construction of any commercial hazardous waste treatment facility or disposal site in this state after December 31, 1988, until

the select joint nuclear energy activities and hazardous chemical toxic waste oversight committee submits its written findings and recommendations regarding said proposed siting or construction and the legislature thereafter gives approval therefor by joint resolution; to require the hazardous waste committee to consider and include in said written report an evaluation of various criteria set forth herein; and it names the bill "The Hazardous Waste Control Amendment of 1988."

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Clark (J) (With Notice and Proof):

H. 843. To authorize the Barbour County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 843, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Laird (With Notice and Proof):

H. 857. Relating to Randolph County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 857, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 843 and 857—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 246. To amend Act No. 464, H. 1033, approved November 13, 1959, relating to the management of the public records of Madison County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Madison County, and for payment of the costs incurred in the purchase of photographic or microphotographic equipment; creating a county records commission to regulate the destruction or disposal of such public records; and providing for establishment of a county records custodian and reproduction department.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson (RG) (With Notice and Proof):

H. 718. To provide for the compensation of the governing members of The Utilities Board of the City of Sylacauga, Alabama, a corporation.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 718, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Layson (With Notice and Proof):

H. 743. Relating to the twenty-fourth judicial circuit; granting certain law enforcement authority to investigators of the district attorney's office.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 743, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 718 and 743—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hall, Freeman, Butler, Brooks, Hettinger, and Grayson (With Notice and Proof):

H. 734. Relating to Madison County; to provide further for the salary of the Probate Judge, effective upon the next term of office; to provide that such salary be paid from the county general fund; and that such salary shall constitute the total compensation paid to the probate judge, in lieu of any other salary, allowance or compensation heretofore provided by law.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 734, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 734—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell:

H. 716. To propose an amendment to the Constitution of Alabama of 1901, to authorize the county commission or the governing body of any municipality in Calhoun County to appropriate public funds to the East Alabama United Cerebral Palsy Center.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 716—to the Committee on Local Legislation No. 1

The above Bill was read a first time at length as required by the Constitution.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Bugg (With Notice and Proof):

H. 59. Relating to the City of Gadsden, in Etowah County, amending Sections 4, 14 and 15 of Act No. 671, H. 921 of the 1951 Regular Session (Acts 1951, Vol. II, p. 1158) which creates and establishes, within certain cities classified on a population basis, a civil service system to govern the appointment, tenure, compensation, conditions of employment and removal of certain officers and employees of such cities, so as to provide further for membership of the civil service board of the City of Gadsden and the meetings and minutes of said board.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 59, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Faulk (With Notice and Proof):

H. 732. Relating to law enforcement in Butler County; to repeal Act No. 566, H. 1299 of the 1977 Regular Session of the Legislature (1977 Acts, p. 746) entitled "An Act to expressly repeal Act No. 818, 1975 Regular Session (Acts of 1975, p. 1644) and Act No. 327, 1976 Regular Session (Acts of 1976, p. 360 and 361). To further provide that all counties of not less than 22,000 population nor more than 22,500 population according to the most recent federal census, fixing the fee for issuance of pistol permits by the sheriff and providing for the distribution and use of such fees, providing for the deposit of the funds from the pistol permits and for the use of such funds," so as to increase the annual pistol permit fee to \$10.00; and to provide for the distribution of the revenue derived therefrom into the sheriff's fund and into the county general fund.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 732, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 59 and 732—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Lindsey (With Notice and Proof):

H. 787. Relating to Cherokee County; authorizing the county board of health to designate the services rendered by the county board of health for which a reasonable fee may be charged and to set the appropriate fee therefor; to construe that no citizen shall be denied any service because of such person's inability to pay.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 787, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 787—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 322. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Wilton, in Shelby County.

Also:

S. 341. Relating to Shelby County; to authorize the creation of public library districts in certain areas of Shelby County; to prescribe conditions and procedures relative to the creation of such districts; to prescribe the organization, rights and powers of such districts; to prescribe limitations on such rights and powers; to provide for the levying of certain service charges; to repeal all conflicting statutes and to provide referendums.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Newton (With Notice and Proof):

H. 698. Relating to Jefferson County, to amend Act No. 1123, H. 1145, 1973 Regular Session, which regulates zoning classifications, so as to provide further for the mailing of notifications of any zoning changes.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 698, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 698—to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 694. To make an additional appropriation to the State Treasurer for fiscal year ending September 30, 1988, for salaries and expenses.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 694—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. White (G), Rogers, Biddle, Wright, Petelos, Curry, Knight, Slaughter, Perdue, Spratt, Escott, Newton, and Seibels:

H. 414. To make a supplemental appropriation of \$50,000 from the State General Fund to the Southern Museum of Flight and the amount of \$35,000 from the State General Fund to the Children's Hands-On Museum of Tuscaloosa for the fiscal year ending September 30, 1988, and to require an operations plan and audited financial statement prior to release of any funds.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 414—to the Committee on Finance and Taxation

RESOLUTION

Senator Parsons offered the following Senate Joint Resolution, to-wit:

S. J. R. 150. CONDEMNING THE GOVERNOR'S TERMINATION OF BUSINESS CONTRACTS WITH STATE INSTITUTIONS FOR PLACEMENT WITH OUT-OF-STATE BUSINESS.

WHEREAS, Governor Guy Hunt has hired many out-of-state people to fill high-paying, responsible cabinet positions rather than showing confidence in the talents and abilities of resident Alabamians to administer and manage state government which should be responsive to the needs of its citizens; and

WHEREAS, this action has confounded many in the legislature and particularly many of the state leaders and citizens who believe residents understand Alabama and its needs far more perceptively than do persons from out of state living far distances from our beautiful State boundaries, and their knowledge of Alabama generally is limited to media interpretations; and

WHEREAS, it has come to the attention of this legislature that the Governor has shown great contempt for the citizens of this state and our state institutions by **terminating long-standing contracts which were in place during the Wallace and James administrations** and which served their fellow citizens economically and efficiently; and

WHEREAS, the cancellation of the contract between Auburn University and the Bureau of Tourism and Travel, for the Alabama Reunion campaign by the Governor, ended fifteen years of a highly respected business relationship which also helped Auburn University and its faculty, staff and students; and

WHEREAS, the cancellation of this contract, and others like it, demonstrates that not only are the citizens but also the educational institutions and businesses viewed by our Governor as inferior; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most vigorously condemn this latest reprehensible action by the Governor of Alabama in scorning Alabama citizens for employment opportunities and state universities and institutions for contracts promoting Alabama.

BE IT FURTHER RESOLVED, That the Governor is requested to furnish this body with a listing of state agencies and state institutions which have had contracts cancelled and the amounts of the new contracts and the names of vendors who are from out of state.

RESOLVED FURTHER, That the Governor furnish the said listing forthwith and know of our extreme displeasure.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Rogers (With Notice and Proof):

H. 449. Relating to Jefferson County; to repeal Act No. 406, H. 832 (Acts of 1967, p. 1031) of the 1976 Regular Session entitled, "An Act to authorize the governing body of any county of the State having a population of 500,000 or more, according to the last or any subsequent Federal census, to levy a business or privilege tax upon any business, vocation, occupation, calling or profession for which a license or privilege tax is not required for either the State of Alabama or the county by the laws of the State of Alabama, and to limit the amount of any such business or privilege tax."

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 449, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Freeman, Butler, Hall, Brooks, Grayson, and Hettinger (With Notice and Proof):

H. 544. To exempt the Optimist Boys Center, Inc. from all county or local ad valorem taxation.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 544, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 449—to the Committee on Local Legislation No. 2

H. B. 544—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Rogers, White (G), McDowell, and Gray (With Notice and Proof):

H. 771. To authorize the Jefferson County governing body to levy an annual license or privilege fee upon any business, except for practicing the

religious tenets of any church or the business of any tax exempt charity; to allow the governing body of Jefferson County, Alabama, to set the amount of any such business or privilege license fee for each type or category of business in the county; and to promulgate all necessary or appropriate rules and regulations for the implementation and enforcement of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 771, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 771—to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hogan (With Notice and Proof):

H. 682. Relating to Walker County, to alter, **rearrange and extend the boundary lines and corporate limits of the Town of Sipsey in Walker County, Alabama.**

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 682, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Layson (With Notice and Proof):

H. 742. Relating to the 24th judicial circuit; to amend the title and Sections 1 and 2 of Act No. 47, H. 46, 1956 Second Special Session (Acts of 1956, Vol. 1, p. 339), which act provides for a law enforcement fund in such circuit consisting of certain district attorneys' fees, so as to provide that such fund shall be for the use of the district attorney of the 24th judicial circuit; and to provide for the effective date of this amendatory act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 742, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 682 and 742—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Biddle, Rogers, and Payne (With Notice and Proof):

H. 41. Relating to Jefferson County; repealing Act No. 406, H. 832, 1967 Regular Session, which authorizes the county commission to impose an occupational tax.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 41, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 41—to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Slaughter, Petelos, White (G), and McDowell (With Notice and Proof):

H. 766. To authorize the Jefferson County Board of Health to designate services rendered by the health department under its control for which fees may be charged and to establish the appropriate fee for each service; to authorize the Jefferson County Board of Health to charge and collect fees for services designated pursuant to this act; to provide that all fees established and collected pursuant to this act shall be retained and used by the Jefferson County Board of Health; to provide that all fees established and collected pursuant to this act shall not replace, but shall supplement and be in addition to, any and all federal, state and local funds otherwise provided to the Jefferson County Board of Health; to provide conditions applicable to the establishment and modification of fees authorized pursuant to this act; to authorize the Jefferson County Board of Health to adopt and to alter rules and regulations for the implementation and administration of this act and

to provide that fees charged pursuant to this act shall be established, modified and collected in accordance with such rules and regulations; to provide that fees for services shall not be charged to persons unable to pay and to provide for confidentiality in the determination of any person's ability to pay; and to repeal all laws or parts of laws in conflict with this act to the extent applicable to Jefferson County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 766, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 766—to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 429. To appropriate from the General Fund the sum of \$700,000 during the fiscal year 1987-1988, to the Department of Agriculture and Industries **Agricultural Development Services program which sum shall be allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication.**

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 655. To provide for an appropriation to the Alabama Plumbers and Gas Fitters Examining Board from the Alabama Plumbers and Gas Fitters Examining Board Fund in the amount of \$202,913.00 for the fiscal year ending September 30, 1988.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 655—to the Committee on Finance and Taxation

REPORTS OF COMMITTEES

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Menton:

S. 271. To require hospitals to notify all pre-hospital agencies who assisted in delivering a person to a hospital, if the hospital learns said person has an infectious disease.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Rice (With Amendment):

S. 408. To amend Sections 22-21-20 and 22-21-27 of the Code of Alabama 1975, relating to licensing of hospitals, nursing homes and other health care institutions so as to include home health agencies; and to provide further for the advisory board.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Bennett:

S. 517. To make it unlawful to use certain pipes, solder or flux in the construction, installation or repair of certain drinking water facilities and systems; authorizing the Alabama Department of Environmental Management to establish provisions and to promulgate rules and regulations to protect drinking water from lead contamination by prohibiting use of any pipes, solder, or flux which are not lead-free in the construction of any public water system or piping providing water for human consumption which is connected to a public water system, prescribing penalties for violation and to provide for compliance with the 1986 Federal Safe Drinking Water Act.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator Drinkard (With Amendments):

S. 530. To provide for mandatory testing for Acquired Immune Deficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) infection of persons arrested for certain sex related offenses.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 834. To make an appropriation from the State General Fund to the Alabama Academy of Honor for the fiscal year ending September 30, 1988

and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute):

H. 837. To make an appropriation from the State General Fund to the Examiners of Public Accounts for the fiscal year ending September 30, 1988 and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

By Rep. Harper (With Substitute):

H. 828. To make an appropriation to the Alabama Small Business Development Consortium for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

By Reps. Holmes and Harper (With Substitute):

H. 824. To make appropriations to the Alabama Department of Economic and Community Affairs for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

By Rep. Harper (With Substitute):

H. 836. To make an appropriation to the Alabama State Council on the Arts and Humanities for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 831. To make an appropriation from the State General Fund to the Legislature for the fiscal year ending September 30, 1988 and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with

substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute):

H. 829. To make an appropriation from the State General Fund to the State Building Commission for the fiscal year ending September 30, 1988 and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

By Rep. Harper (With Substitute):

H. 839. To make appropriations to the Department of Education for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 826. To make appropriations to the Department of Youth Services for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute):

H. 838. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1988, and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

By Rep. Harper (With Substitute):

H. 827. To make an appropriation to the Commission on Physical Fitness for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

By Rep. Harper (With Substitute):

H. 835. To make an appropriation from the State General Fund to the Alabama Law Institute for the fiscal year ending September 30, 1988 and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

By Rep. Harper (With Substitute):

H. 830. To make an appropriation to the Department of Finance for the Telephone Revolving Fund for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

By Rep. Harper (With Substitute):

H. 832. To make an appropriation to the Alabama Firefighters' Personnel Standards and Education Commission for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 825. To make appropriations to the Department of Public Health for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

By Rep. Harper:

H. 823. To make an appropriation to the Alabama Board of Nursing for the fiscal year ending September 30, 1988; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

By Rep. Harper:

H. 833. To make an appropriation from the State General Fund to the Office of Prosecution Services for the fiscal year ending September 30, 1988 and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute):

H. 840. To make an appropriation to the Alabama Public Library Service for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 841. To make an appropriation from the State General Fund to the Department of Mental Health and Mental Retardation for the fiscal year ending September 30, 1988 and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee (With Substitute):

S. 508. To establish the Alabama Groundwater Protection Trust Fund; to provide for a disposition of the groundwater protection tank fees collected for returning polluted groundwater to a quality comparable to its previous state; to establish an Advisory Board to advise the Department of Environmental Management on certain matters; to establish and satisfy financial responsibility requirements for underground motor fuel storage tank owners or operators as required by federal law; to provide for payment of third party claims and clean-up costs caused by leaking underground motor fuel storage tanks; and to provide for disposition of the Fund.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Amari and Bennett:

S. 556. To amend Sections 11-98-2, 11-98-4 and 11-98-5 of the Code of Alabama 1975, relating to emergency telephone service so as to provide further for procedures relating to the creation of communications districts; to provide further for personnel employed in such districts; to prescribe the corporate structure and organization of such districts, including their corporate powers and to provide that such districts may receive certain property and make certain expenditures.

By Senator Hilliard:

S. 549. To provide for distinctive motor vehicle license plates for members of the Alabama Legislature and to provide for the design and issuance of the plates.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a

favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Willis (With Amendment):

H. 1. To provide for the issuing of distinctive license plates to certain handicapped persons at an additional fee of three dollars (\$3.00) per tag in those years when a metal plate is received, and prohibits the transfer of said plate between motor vehicle owners.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bailey (With Notice and Proof):

S. 442. Relating to Geneva County; providing for election of the members of the county commission from certain defined districts and prescribing the manner by which such districts shall hereafter be defined for purposes of electing such members.

By Rep. Mathis (With Notice and Proof):

H. 545. Relating to Geneva County; providing for election of the members of the county commission from certain defined districts and prescribing the manner by which such districts shall hereafter be defined for purposes of electing such members.

By Reps. Beasley, Carothers, and Mathis (With Notice and Proof):

H. 559. Relating to Houston County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedsole (With Notice and Proof):

S. 546. Relating to Mobile County, providing further for the deposit of any interest on county funds.

By Senator Figures (With Notice and Proof):

S. 559. To authorize the governing body of Mobile County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Mobile County, on all taxable property situated within the special school tax district subject to the jurisdiction and control of the Board of School Commissioners of Mobile County, the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.35 on each one hundred dollars (13.5 mills on each dollar) of assessed value.

By Senator Figures (With Notice and Proof):

S. 560. Relating to Mobile County; to exempt from all county, local or municipal ad valorem taxes all property owned and used by the City Federation of Women's Clubs, Incorporated, a non-profit corporation; to make the provisions of the act retroactive to October 1, 1987.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bailey:

S. 275. To amend §40-23-4, Code of Alabama 1975, relating to exemption from collection of sales tax of various items and transactions to further exempt the gross proceeds of sales of liquefied petroleum gas used in the manufacture of fertilizer.

By Senator Ellis:

S. 445. Repealing Section 9-11-49.2 Code of Alabama 1975 which provides that a nonresident individual property owner upon presentation of proof of payment of at least \$100.00 ad valorem property tax shall be treated as a resident for the purpose of procuring hunting licenses.

Senator Preuit, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Moon:

H. 6. To amend section 36-19-3, Code of Alabama 1975, which relates to the duties and obligations of persons deemed assistants to the fire marshal, so as to exempt said persons from liability for civil damages as a result of their acts or omissions in performing such duties and obligations.

By Rep. Freeman:

H. 89. To amend Section 40-18-52, Code of Alabama 1975, to increase the punishment to a felony for violation of the confidentiality of income tax returns and income tax information and to otherwise clarify its provisions, and to amend Section 40-1-33, Code of Alabama 1975, to increase the punishment for violation of the confidentiality of all tax returns and information secured by the Department of Revenue.

By Reps. Faulk, Carothers, Moon, Johnson (RG), Flowers, White (L), Warren, Poole, Beasley, Payne, and Mathis:

H. 166. To amend Section 35-12-6 of the Code of Alabama 1975, which relates to the disposition of articles left for service so as to shorten the period unclaimed articles must be held.

Senator Preuit, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with

substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Hand, Cabaniss, Bedsole, Dial, Foshee, Rice, Ellis, Barron, and Dixon (With Substitute):

S. 150. This bill permits the use of blood tests for intoxication in cases of death or serious physical injury and provides penalties for non-compliance by medical personnel.

By Senators Bedford and Amari (With Substitute):

S. 165. To prescribe the minimum pay scale of full-time municipal law enforcement officers with arrest powers in Class 1 through Class 7 municipalities; to provide for the repeal of conflicting laws; and to provide an effective date.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Drinkard:

S. 92. To amend Code of Alabama 1975, §32-5A-191, to provide that the driver of a truck, truck tractor, road tractor, trailer, semitrailer, or pole trailer with a gross vehicle weight rating of 10,001 pounds or more, or the driver of a bus, or the driver of a school bus, or the driver of a taxicab, who has 0.04 percent or more by weight of alcohol in his blood, commits the crime of driving under the influence of alcohol.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Bailey, Mitchem, Drinkard, Holmes, Dial, Dixon, Rice, Cabaniss, Goodwin, Denton, Amari, Hale, Hand, Bennett, Menton, and Campbell (With Substitute):

S. 272. To repeal Sections 13A-12-150 through 13A-12-159 and Sections 13A-12-170 through 13A-12-179, Code of Alabama 1975; to define obscene material; to define and prohibit the production of, the distribution of, the possession with intent to distribute, and the offer or agreement to produce or distribute obscene material for any thing of pecuniary value; to define and prohibit the public dissemination of obscene material; to define and prohibit the distribution to a minor, the possession with intent to distribute to a minor, the offer or agreement to distribute to a minor, and the display for sale of any material which is indecent for minors; to provide for criminal penalties; to provide for affirmative defenses; to provide for extradition; to provide for the preventing or enjoining by the circuit courts of any violation of this Act; to provide for preliminary and permanent injunctions and for certain immunities and further to provide that no bond shall be required of the official bringing the action; to provide for the forfeiture and disposition of obscene materials, material which is indecent for minors, moneys, negotiable instruments and funds and all proceeds or receipts derived, whether directly or indirectly, from obscene material, material which is indecent for minors, moneys, negotiable instruments and funds, used, intended to be used,

or obtained by any person in violation of this Act; to provide for the forfeiture of a money judgment amount in lieu of certain property subject to forfeiture; to provide that the Alabama Red Light Abatement Act and city and county ordinances not in conflict with the substantive provisions of this act shall not be repealed by implication; to provide for the punishment under previously existing law of offenses committed prior to the effective date; and to provide for severability and for an effective date.

By Senator Bedford (With Substitute):

S. 398. To amend section 20-2-93, Code of Alabama 1975, relating to seizure and forfeiture of property in controlled substances cases, so as to provide further therefor.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Preuitt (With Amendment):

S. 404. To amend Section 32-5A-194, Code of Alabama 1975, by transferring certain Forensic Science responsibilities in the State's Chemical Test for Intoxication Act from the Department of Public Health to the Department of Forensic Sciences.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Preuitt, Foshee, Dial, Manley, Bedsole, Barron, Hale, Covington, Cabaniss, Dixon, Bishop, Hand, and Holmes:

S. 460. Proposing an amendment to the Constitution of Alabama of 1901, to restrict lobbying activities of any chairman of a state political party.

The above Bill was read a second time at length as required by the Constitution.

By Senator Manley:

S. 298. To authorize the legislative council to employ legal counsel in certain instances and to provide for the manner of compensating said legal counsel.

By Senator Smith (J):

S. 472. To further amend Section 35-15-1, Code of Alabama 1975, as amended, relating to the duty of care owed persons on premises for certain sporting and recreational purposes, so as to add certain persons who go onto premises for purposes of purchasing, picking or gleaning agricultural produce or products.

By Senator Ellis:

S. 475. To authorize the board of pardons and paroles to establish an intensive supervision program and to determine which persons under supervision shall be assigned to such program; to authorize promulgation of regulations pertaining to conditions of supervision and collection of fees to defray the expense of this program.

By Senators Preuitt, Dial, deGraffenried, Rice, and Dixon:

S. 494. To amend Section 36-23-1, Code of Alabama 1975, relating to constables, so as to provide certain qualifications for constables, to provide for abolishing the office by local referendum and to provide for the removal of constables from office in certain instances.

By Senator Ellis:

S. 533. To provide further for the revision of eminent domain laws of this state by amending sections 18-1A-24, 18-1A-30, 18-1A-70, 18-1A-74, 18-1A-110, 18-1A-194, 18-1A-211, and 18-1A-276 of the Code of Alabama 1975 to make clarifying amendments to the sections.

By Senators Bedsole and Ellis:

S. 543. To amend Section 38-10-9, Code of Alabama 1975, relating to child support and the authority of the department of human resources to conduct investigations regarding financial ability of parents who owe child support, so as to further authorize the department to conduct investigations to locate absent parents; and to require private employers upon written request to furnish the department with certain information regarding a parent or putative parent in their employ.

By Senators Bedsole and Ellis:

S. 544. To amend Section 38-2-6.1 of the Code of Alabama 1975, which relates to the office of state parent locator for the location of absent parents, so as to provide further for said office by providing the office with the authority to locate parents, putative parents, or children in cases of parental kidnapping or child custody disputes; to provide that location information may be obtained from the Department of Revenue; and to provide that employers shall furnish the office with name, address, and employment information.

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Black (With Notice and Proof):

H. 551. Relating to Greene County; providing for an additional expense allowance for the county coroner.

By Reps. Hill and Knight (With Notice and Proof):

H. 564. Relating to Shelby County; to authorize the creation of public library districts in certain areas of Shelby County; to prescribe conditions and procedures relative to the creation of such districts; to prescribe the organization, rights and powers of such districts; to prescribe limitations on such rights and powers; to provide for the levying of certain service charges; to repeal all conflicting statutes and to provide referendums.

By Reps. Hall and Richardson (With Notice and Proof):

H. 631. To amend Sections 2, 4, 5, 6 and 7 of Act 79-825, S. 640, 1979 Regular Session (Acts 1979, p. 1557), relating to the Jackson County Department of Public Works and to the county engineer, so as to provide

further for the authority of the department and the selection, requirements, functions, powers, privileges, and termination of the county engineer.

By Reps. Richardson and Hall (With Notice and Proof):

H. 633. Relating to Jackson County; to amend Act 79-473, S. 639, Regular Session 1979, as amended (Acts 1979, p. 873), so as to allocate further a portion of T.V.A. payments made to Jackson County to the Jackson County Economic Development Authority for a certain time.

By Reps. Richardson and Hall (With Notice and Proof):

H. 634. To authorize the Jackson County Commission to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel, as herein defined, and substitutes therefor in such counties not to exceed three cents (3c) per gallon; to provide for the collection and payment of such taxes and to provide the distribution and the use of the funds derived therefrom; to authorize the Jackson County Commission to make reasonable rules and regulations for the collection of such taxes, and to provide for the enforcement of this act and to fix a civil penalty for the violation of any provision of this act and of the rules and regulations prescribed by such county commission for the collection of said taxes.

By Rep. Warren:

H. 669. To propose an amendment to the Constitution of Alabama of 1901, relating to fire protection districts in Monroe County, so as to provide for the levy and collection of certain additional property tax for fire protection and rescue squads in said county.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Blakeney and Breedlove (With Notice and Proof):

H. 730. Relating to Clarke County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

By Rep. Breedlove (With Notice and Proof):

H. 731. To authorize the Washington County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

By Rep. Warren (With Notice and Proof):

H. 735. Relating to Conecuh County, to ratify payments heretofore made to or on behalf of Mr. Willie Lee Powell by the County Commission of Conecuh County; and to relieve all charges relating thereto made by Examiners of Public Accounts.

By Rep. Warren (With Notice and Proof):

H. 737. To authorize the County Commission of Conecuh County to pay from the general funds of the county the amount of up to \$350.00 per

month to Mr. Willie Lee Powell for injuries received during the course of his employment.

By Rep. Bugg (With Notice and Proof):

H. 58. Relating to Etowah County, amending Act No. 83-780, S. 501, 1983 Regular Session, which provides for the expense allowance for the constable, so as to increase said expense allowance.

By Rep. Goodwin (With Notice and Proof):

H. 119. Relating to Colbert County; amending Act No. 84-505, H. 885, 1984 Regular Session, which provides for the compensation of members of the Utilities Board of Muscle Shoals, so as to provide further for said compensation and to provide for retroactive effect.

By Rep. Parker (With Notice and Proof):

H. 128. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

By Rep. Hogan (With Notice and Proof):

H. 176. Relating to Walker County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

By Reps. Fuller and Laird (With Notice and Proof):

H. 314. To authorize the Chambers County Board of Health to designate the services rendered by the County Health Department for which a **reasonable fee may be charged and to set the appropriate fee for each service**. No citizen shall be denied any service because of that person's inability to pay.

By Reps. Fuller and Laird (With Notice and Proof):

H. 315. Relating to Chambers County; to further provide for the per diem of members of the County Board of Equalization and to repeal Act 338 of the 1969 Regular Session as amended.

By Reps. Fuller and Laird (With Notice and Proof):

H. 316. Relating to Chambers County; providing further for the compensation of members of the board of registrars and repealing Act No. 473, H. 302, 1973 Regular Session.

By Senator Sanders:

S. 258. To propose an amendment to the Constitution of Alabama 1901 for Wilcox County to provide further for filling vacancies in certain county offices.

The above Bill was read a second time at length as required by the Constitution.

By Senator Bedford (With Notice and Proof):

S. 555. Relating to Fayette County; providing further for the compensation of the judge of probate; repealing conflicting laws.

By Senator Barron (With Notice and Proof):

S. 593. To authorize the Jackson County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

By Senator Ellis (With Notice and Proof):

S. 566. Relating to Shelby County; authorizing the county commission to provide for a certain increase in retirement benefits paid to its retired county employees and providing that such increase shall be financed from the county treasury.

By Senator Barron (With Notice and Proof):

S. 606. To amend Section 1 of Act No. 80-550, H. 977 of the 1980 Regular Session (Acts 1980, p. 859), allowing the Jackson County Commission to contribute a certain amount of public funds to certain rescue squads in the county, so as to provide further for the limit on such contribution to each rescue squad.

By Senator Dial (With Notice and Proof):

S. 608. Relating to Clay County; directing the county commission, the county board of education and the county hospital to receive the maximum interest available from any banking institution doing business in the county on their funds normally kept on demand deposit and prescribing certain procedures and requirements to insure that such maximum interest is paid on such funds.

By Senator Dial (With Notice and Proof):

S. 609. Relating to Clay County; authorizing the county commission to levy an additional ad valorem tax in said county to be used for the Clay County Hospital and Nursing Home and providing for a referendum.

By Senator Sanders (With Notice and Proof):

S. 519. Relating to Sumter County; to amend Act 87-619 (H. 1082) of the 1987 Regular Session, which provides for a gasoline and motor fuel tax, so as to provide that said tax shall be levied by the county commission and to grant authority for said levy.

By Senator Barron (With Notice and Proof):

S. 554. To provide for and create the Jackson County Racing Commission for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers and duties of the Racing Commission; to provide for and regulate the pari mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county.

By Senator Smith (J) (With Notice and Proof):

S. 473. Relating to Madison County; providing further for costs and charges in the circuit and district courts of said county in criminal cases, and providing for the distribution of the increased costs.

By Senator Smith (J) (With Notice and Proof):

S. 480. Relating to the Twenty-third Judicial Circuit consisting of Madison County; to amend section 3 of Act No. 80-485, H. 859, Regular Session 1980 (Acts 1980, p. 755), providing for the parking of jurors, assessment, collection and use of additional taxes to defray the expense of juror parking, so as to increase the amount of such tax from Two (\$2.00) Dollars to Three (\$3.00) Dollars.

By Senator Barron (With Notice and Proof):

S. 451. Relating to Jackson County; to provide that public park board members may use public park facilities in lieu of expenses and compensation and to ratify and confirm all such prior use of such facilities in lieu of compensation.

By Senator Sanders (With Notice and Proof):

S. 540. Relating to Lowndes County; to amend Act 87-620 (H. 1088) of the 1987 Regular Session, which provides for a gasoline and motor fuel tax, so as to provide that said tax shall be levied by the county commission and to grant authority for said levy.

By Senator Sanders:

S. 259. To propose an amendment to the Constitution of Alabama 1901 for Lowndes County to provide further for filling vacancies in certain county offices.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Black (With Notice and Proof):

H. 623. Relating to Greene County; providing that the Greene County legislative delegation shall be provided a legislative delegation office, personnel and supplies by the the Greene County Commission; providing that such office and supplies shall be a shared legislative delegation office with the Sumter County delegation; providing that the Greene County Commission shall pay forty percent (40%) of the overhead, salaries and operational costs of such delegation office in Sumter County from the Greene County funds.

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Reps. Johnson (RG), Haynes, and Carothers:

H. 313. To amend Section 12-15-34, Code of Alabama 1975, so as to provide that a child 14 or more years of age may be transferred by the juvenile court for criminal prosecution as an adult for any crime; to provide that the finding of probable cause at the transfer hearing in the juvenile court shall preclude a further probable cause hearing in the criminal court; to provide that the criminal court may exercise any authority over the child, once transferred, that is otherwise applicable to adult offenders; to provide that transfer to the criminal court and conviction therein terminates jurisdiction of the juvenile court over such child with respect to any pending or subsequent criminal acts; to amend the definition of "delinquent act" found in Section 12-15-1 so as to exclude criminal acts committed by a child who has previously been transferred for criminal prosecution and convicted as

provided in Section 12-15-34; to amend Section 12-15-33 so as to preclude the possibility of transfer to the juvenile court of a criminal case against a child who has been previously transferred for criminal prosecution and convicted as provided in Section 12-15-34; and, to provide an effective date.

By Senators Langford and Dixon:

S. 357. Relating to deputy circuit clerks; to repeal Section 17-2-8, Code of Alabama 1975, which provides for the election of deputy circuit clerks in counties having more than 5 circuit judges; repealing Section 12-17-99, Code of Alabama 1975, which relates to the supplemental salary of elected deputy circuit clerks.

By Senator Langford:

S. 501. To amend Sections 34-33-1, 34-33-2, 34-33-3, 34-33-4, 34-33-5, 34-33-6 and 34-33-10 of the Code of Alabama 1975, relating to fire protection sprinkler systems, so as to redefine such systems and to further regulate the fire protection sprinkler system business in this state.

By Senator Mitchem:

S. 419. Further providing for service charges of worthless checks for restitution and in the criminal procedure from crimes relating to worthless checks or negotiating a worthless negotiable instrument and notice, so as to increase such charges; amending Section 12-17-224, Code of Alabama 1975, as amended by Act No. 87-565, S. 319, Regular Session 1987, relating to restitution process and service charges for worthless checks; amending Section 13A-9-13.1, Code of Alabama 1975, as amended, relating to the crime of negotiating a worthless negotiable instrument and service charges, and Section 13A-9-13.2, Code of Alabama 1975, as amended, relating to notice of such crime and service charges, so as to increase such service charges.

By Senators Cabaniss and Ellis:

S. 488. To establish an Alabama Men's Hall of Fame; to prescribe its purposes and membership; to provide for election of members and officers and for holding of meetings; and to repeal Sections 41-9-850 through 41-9-853, Code of Alabama 1975.

By Senator Goodwin:

S. 15. To further amend Sections 41-9-800 and 41-9-801, Code of Alabama 1975, relating to the Cahaba Trace Commission, so as to increase the membership and to provide terms of office for the members in Autauga County.

By Senator Goodwin:

S. 8. To exempt from all state, county or local ad valorem taxes and from all state, county or local sales and use taxes all property owned and used by the Selma-Dallas County Historic Preservation Society.

By Senator Goodwin:

S. 11. To amend Section 28-3A-11 of the Code of Alabama 1975, relating to lounge retail liquor license so as to create a separation of package retail liquor license from the lounge retail liquor license.

By Senators Denton, Dial, and Ellis:

S. 152. To bring bonding requirements of license commissioners, revenue commissioners, or others of similar title, who determine or collect taxes

or revenues, in line with those of tax collectors as required by Section 40-5-3, Code of Alabama 1975.

By Senator Covington:

S. 386. To amend section 27-3-27, Code of Alabama 1975, relating to licensing of insurance agents, solicitors or brokers of insurance by insurers, so as to establish requirements and standards for continuing education programs for such persons in Alabama and to provide certain exceptions.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Resolution:

H. J. R. 66. CREATING A LEGISLATIVE COMMISSION ON A.I.D.S. said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Joint Resolution No. 66, without the Governor's signature and with a suggested Executive Amendment.

Done this 8th day of March 1988.

Respectfully submitted,
JAMES F. REDDOCH, JR.,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Joint Resolution No. 66, without my approval and with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE JOINT RESOLUTION
NO. 66:

On page 2, line 19, after the word "Monday" delete the words February 22 and in lieu thereof insert the following:

March 21

The adoption of the above suggested Executive Amendment will remove my objections to this Bill.

Done on this 8th day of March, 1988.

Respectfully,
GUY HUNT,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Resolution, H. J. R. 66, by a vote of a majority of those voting, said vote being:

Yeas 82, Nays 0.

And said Resolution, H. J. R. 66, together with the Executive amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Senator Drinkard, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Resolution, H. J. R. 66, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 22; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Menton	
Amari	Denton	Goodwin	Mitchem	
Barron	Dial	Hale	Preuitt	
Cabaniss	Dixon	Holmes	Rice	
Campbell	Drinkard	Horn	Smith (J)	
Corbett	Ellis	Langford		—22

Nays:

—0

which was a majority of the whole number elected to the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolution with the original Senate Joint Resolution, and finds same correctly enrolled, to-wit:

S. J. R. 147. AUTHORIZING THE JOINT LEGISLATIVE STEERING COMMITTEE ON REAPPORTIONMENT TO PREPARE FOR REAPPORTIONMENT AFTER THE 1990 FEDERAL CENSUS BY ENTERING INTO REAPPORTIONMENT SOFTWARE, SUPPORT AND PROFESSIONAL SERVICE AGREEMENTS.

BILL DRINKARD,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 80. Relating to the Alabama Sunset Law; to continue the existence and functioning of the alcoholic beverage control board as provided in Section 28-3-40, Code of Alabama 1975.

Also:

S. 74. Relating to the Alabama Sunset Law; to continue the existence and functioning of the real estate commission as provided in Sections 34-27-1 through 34-27-38, Code of Alabama 1975, with certain modifications; to amend Sections 34-27-3, 34-27-7, 34-27-8, 34-27-31, 34-27-32, 34-27-33, 34-27-34, 34-27-35, and 34-27-37, Code of Alabama 1975, so as to delete references to certain activities of nonresident real estate brokers pursuant to a stipulation of settlement of a United States District Court Order of the Middle District of Alabama, Northern Division (CA 87-T-335-N), styled "Georgia Association of Realtors vs. Alabama Real Estate Commission"; to limit the original seven members of the commission to two (2) consecutive terms of office; to limit the commission's travel and per diem to the rate paid to state employees; to add one (1) additional member to the board who shall be a black voting member appointed at large from among the U.S. Congressional Districts on a rotating basis; to require the rules of the commission be adopted pursuant to the state administrative procedure statutes; to provide that an aggrieved party may recover from the commission's recovery fund only for damages sustained within the state; and to provide **further for the educational requirements, testing requirements and other requirements of the licensees of the board; and to provide further for re-hearings of the board.**

Also:

S. 105. To amend Section 11-52-3, Code of Alabama, 1975, to permit the mayor to appoint a person to sit on the municipal planning commission in his stead and to provide for a term for such person.

Also:

S. 90. Relating to the Alabama Sunset Law; to continue the existence and functioning of the plumbers examining board as provided in section 40-12-145, as renamed the plumbers and gas fitters examining board by section 34-37-2 and as functioning pursuant to sections 34-37-1 through 34-37-18, Code of Alabama 1975, with certain modifications to amend section 34-37-6, Code of Alabama 1975, so as to extend the time period for which certain plumbers and gas fitters may apply for a waiver of the examination of the board (grandfather clause).

Also:

S. 82. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of examiners in psychology as provided in Sections 34-26-1 through 34-26-48, Code of Alabama 1975, with certain modifications; to amend Sections 34-26-21, 34-26-22, 34-26-41, 34-26-43 and 34-26-46, Code of Alabama 1975, so as to add 2 members to the board; to

limit board members to two (2) consecutive terms of office; to limit board members travel expenses; to allow the recognition of areas of specialization for practice; to authorize the adoption of rules pursuant to the administrative procedure statutes; to allow certain reciprocal agreements for out of state applicants; to remove automatic appropriation clause; and to expand grounds for revoking or suspending licenses.

Also:

S. 76. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of heating and air conditioning contractors as provided in Sections 34-31-18 through 34-31-34, Code of Alabama 1975, with certain modifications; to amend Sections 34-31-18, 34-31-19, 34-31-20, 34-31-21, 34-31-28, 34-31-29 and 34-31-32, Code of Alabama 1975, so as to: include service and repair persons as certified by the board; to allow contractors to install, service or repair natural gas appliances, to limit board members to two (2) consecutive terms; to authorize the board to take testimony, hold hearings, subpoena witnesses; to take certain disciplinary action; and to provide further for examinations of the board.

Also:

S. 207. To further amend Section 23-1-280 of the Code of Alabama 1975, as amended, which section relates to just compensation for the removal of signs, so as to clarify the original legislative intent to require the payment of just compensation whenever a removing authority removes or alters, or causes the removal or alteration of, a lawfully erected sign along any public street or highway.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

RESOLUTION

Senator Bishop offered the following Senate Joint Resolution, to-wit:

S. J. R. 151. REQUESTING DIRECTION FROM THE GOVERNOR CONCERNING THE GENERAL FUND BUDGET OF THIS STATE.

WHEREAS a recent decision of the Alabama Supreme Court has resulted in a General Fund deficit of from sixty to one hundred million dollars excluding any amounts necessary to fund needed state employee pay raises; and

WHEREAS the Constitution of Alabama of 1901, Section 70 requires that the Governor in conjunction with other constitutional officers shall "prepare a general revenue bill to be submitted to the legislature"; and

WHEREAS Section 1-4-89, Code of Alabama, 1975 provides in part that "The governor shall transmit to the legislature supplemental estimates for such appropriations as in his judgment may be necessary on account of

laws enacted after the transmission of the budget, or as he deems otherwise in the public interest . . . Whenever such supplemental estimates amount to an aggregate which, if they had been contained in the budget would have required the governor to make a recommendation for the raising of additional revenue, he shall make such recommendation."

WHEREAS Governor Guy Hunt has indicated that he vigorously opposes seeking any legislation to provide new revenue for the General Fund; and

WHEREAS the Legislature has a constitutional duty to appropriate funds based on budget recommendations and revenue bill proposals of the governor; and

WHEREAS the Legislature finds that a fiscal crisis now exists in this state. Now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, THAT Governor Guy Hunt is hereby requested to fulfill his constitutional, ethical and moral duty to the citizens of this state by submitting to these respective bodies budget proposals and his "recommendation for the raising of additional revenue" as is required under the laws of Alabama.

BE IT FURTHER RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING THAT Governor Guy Hunt is hereby petitioned to comply with the foregoing request no later than the 20th Legislative day of this Session of the Alabama Legislature in order that these respective bodies may meet their constitutional duty to enact a responsible General Fund appropriations bill.

Which was read and referred to the Standing Committee on Rules.

MOTIONS IN WRITING

Senator Manley offered the following Motions in Writing, to-wit:

I move that the Bill, H. B. 27, on page 65 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, H. B. 114, on page 63 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, H. B. 116, on page 62 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which were adopted, and the President and Presiding Officer of the Senate ordered said Bills, H. B.'s 27, 114, and 116, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Dixon offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 172, on page 49 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 172, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Senator Rice offered the following Senate Joint Resolution, to-wit:

S. J. R. 152. CONGRATULATING THE LOACHAPOKA HIGH SCHOOL INDIANS ON THEIR 1988 STATE 1A BASKETBALL CHAMPIONSHIP.

WHEREAS, in consensus of commendation, the Legislature of Alabama extends heartiest congratulations to Lee County's Loachapoka High School on the 1988 State 1A Basketball Championship by virtue of a thrilling 82-79 victory over the Notasulga Blue Devils in the title match on March 5, 1988; and

WHEREAS, before meeting in the final game, arch rivals Loachapoka and Notasulga had faced each other five previous times during the season and, although the Blue Devils led the Indians four games to one, Loachapoka won the big one for the Area 7 Championship with a 3-point basket at the buzzer; and

WHEREAS, the Indians then took to the warpath, beating Bibb Graves and Arifton in Sub-State competition, 78-56 and 67-40 respectively, to claim a berth in the State Play-offs; a 16-point crushing defeat of W. J. Jones in the State Semi-finals gave Loachapoka a match-up with Notasulga for the sixth time this season, and the Indians scalped the Devils for the second time in a row, this time for the State 1A Championship; and

WHEREAS, Head Coach Larry DiChiara and Tournament MVP Walter Pitts and his Indian teammates are indeed to be congratulated on their outstanding 1988 Championship, the Area 7 Title and the State 1A Crown, and for the indomitable spirit and will-to-win displayed throughout the season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Coach Larry DiChiara and his State Champion Indians, and do further direct that a copy of this resolution be provided for appropriate presentation and display at Loachapoka High School.

On motion of Senator Rice, the Rules were suspended and the Resolution was adopted by the Senate.

MOTIONS IN WRITING

Senator Campbell offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 171, on page 22 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 171, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Campbell then requested and received permission to suspend the Rules in order to offer the following Motion in Writing for Senator Bedsole, to-wit:

I move that the Bill, S. B. 443, on page 60 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 443, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Smith (J) offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 463, on page 86 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 463, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Senator Denton offered the following Senate Resolution, to-wit:

S. R. 153. COMMENDING CARL BOLEY OF SHEFFIELD, ALABAMA, ON HIS DISTINGUISHED EDUCATIONAL CAREER.

Which was filed.

Senator Corbett offered the following Senate Joint Resolution, to-wit:

S. J. R. 154. CONDEMNING THE "ALABAMA REUNION" PROMOTION.

WHEREAS, the major program of Governor Guy Hunt has been the Alabama REUNION and he contends that this alone will bring sufficient funding to operate state government; and

WHEREAS, the Bureau of Tourism and Travel, which reports to the Governor, cancelled a contract with Auburn University and replaced it with an out-of-state firm, after a fifteen year business relationship with that outstanding university; and

WHEREAS, the out-of-state firm has given us the theme for the Alabama Reunion, "Alabama is Full of Surprises"; and

WHEREAS, it has come to our attention that the State of Arkansas also is having a "reunion" and it also has a theme, "Little Rock is Full of Surprises"; and

WHEREAS, we find that the creativity and innovation of the out-of-state publicity firm is sorely lacking and we believe that Alabama institutions, state agencies and Alabama businesses are equally qualified to conduct this promotion of the Alabama Reunion far more effectively; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do vehemently condemn the Governor's action in causing the cancellation of the contract with Auburn University and its replacement with an out-of-state firm, which can only duplicate another state's themes, for his only program to date.

RESOLVED FURTHER, That we urge the Governor to rescind his out-of-state contract because of the dismally poor performance to date, and return the business to Alabama institutions and businesses, and to Alabama citizens.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 172. DESIGNATING PORTIONS OF STATE HIGHWAY 5 AND STATE HIGHWAY 25, IN BIBB COUNTY, ALABAMA, THE VIETNAM VETERANS MEMORIAL HIGHWAY.

On motion of Senator Goodwin, said Resolution was concurred in and adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following Senate Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 49. CREATING THE DISABLED PERSONS PROTECTION COMMISSION.

Also:

S. J. R. 144. URGING THE DEPARTMENT OF CORRECTIONS AND OTHER STATE AGENCIES & DEPARTMENTS TO PUT PRISON INMATES TO WORK.

On motion of Senator Drinkard, said Resolutions were adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 228. TO HELP KEEP ALABAMA BEAUTIFUL BY REMOVING TRASH FROM ALABAMA HIGHWAYS AND STREETS USING, WHERE POSSIBLE PRISON LABOR AND BY PLANTING CRIMSON CLOVER.

On motion of Senator Drinkard, said Resolution was concurred in and adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Lawrence C. Williams as the Administrator of the Alabama Credit Union Administration.

On motion of Senator Drinkard, the appointment of Mr. Williams was confirmed by the Senate.

REGULAR SESSION
18th Day

919

Yeas 17; Nays 1.

Yeas:

Senators:	Campbell	Goodwin	Menton
Bailey	Dial	Hale	Mitchem
Barron	Dixon	Holmes	Preuitt
Bedsole	Drinkard	Langford	Smith (J)
Cabaniss	Ellis		

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Nay: Senator Corbett —1

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. J. Thomas Brassell to the Alabama Credit Union Board.

On motion of Senator Drinkard, the appointment of Mr. Brassell was confirmed by the Senate.

Yeas 18; Nays 1.

Yeas:

Senators:	deGraffenried	Goodwin	Menton
Bailey	Dial	Hale	Mitchem
Bedsole	Dixon	Holmes	Preuitt
Cabaniss	Drinkard	Langford	Smith (J)
Campbell	Ellis	Manley	

—18

Nay: Senator Corbett —1

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Jerry Wayne Maughon to the Alabama Credit Union Board.

On motion of Senator Drinkard, the appointment of Mr. Maughon was confirmed by the Senate.

Yeas 19; Nays 1.

Yeas:

Senators:	Campbell	Foshee	Manley
Bailey	deGraffenried	Goodwin	Menton
Barron	Dial	Hale	Mitchem
Bedsole	Drinkard	Holmes	Preuitt
Cabaniss	Ellis	Langford	Smith (J)

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Nay: Senator Corbett —1

BUDGET ISOLATION RESOLUTION

Senator Denton, B. I. R., S. B. 588, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Goodwin	Langford
Amari	Cabaniss	Hale	Manley
Bailey	Denton	Hand	Menton
Barron	Drinkard	Hilliard	Mitchem
Bedford	Ellis	Holmes	Parsons
Bedsole	Figures	Horn	Smith (J)
Bennett	Foshee		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 588. To amend Section 2 of Act No. 139, H. 90, First Special Session 1956, as amended, relating to the Office of Circuit Solicitor of the 31st Judicial Circuit of Alabama, and to provide for its retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Goodwin	Langford
Amari	Cabaniss	Hale	Manley
Bailey	Denton	Hand	Menton
Barron	Drinkard	Hilliard	Mitchem
Bedford	Ellis	Holmes	Parsons
Bedsole	Figures	Horn	Smith (J)
Bennett	Foshee		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Denton, B. I. R., S. B. 589, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Langford
Barron	Corbett	Hale	Manley
Bedford	Denton	Hand	Menton
Bedsole	Drinkard	Hilliard	Mitchem
Bennett	Ellis	Holmes	Parsons
Bishop	Figures	Horn	Smith (J)
Cabaniss	Foshee		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 589. Relating to Lauderdale County; providing that due to the provisions of Section 12-17-92 of the Code of Alabama 1975, any salary increase

paid to circuit judges shall automatically result in a supplemental salary increase for the circuit clerk.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Langford
Barron	Corbett	Hale	Manley
Bedford	Denton	Hand	Menton
Bedsole	Drinkard	Hilliard	Mitchem
Bennett	Ellis	Holmes	Parsons
Bishop	Figures	Horn	Smith (J)
Cabaniss	Foshee		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Ellis, B. I. R., H. B. 126, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Langford
Amari	Cabaniss	Hale	Manley
Bailey	Campbell	Hand	Menton
Barron	Corbett	Hilliard	Mitchem
Bedford	Covington	Holmes	Parsons
Bedsole	deGraffenried	Horn	Preuitt
Bennett	Drinkard		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 126. Relating to St. Clair County; to provide for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Langford
Amari	Cabaniss	Hale	Manley
Bailey	Campbell	Hand	Menton
Barron	Corbett	Hilliard	Mitchem
Bedford	Covington	Holmes	Parsons
Bedsole	deGraffenried	Horn	Preuitt
Bennett	Drinkard		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Ellis, B. I. R., H. B. 127, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Langford	
Barron	Corbett	Hale	Manley	
Bedford	Covington	Hand	Menton	
Bedsole	deGraffenried	Hilliard	Mitchem	
Bennett	Denton	Holmes	Parsons	
Bishop	Drinkard	Horn	Preuitt	
Cabaniss	Ellis			—25

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 127. Relating to St. Clair County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; abolishing the offices of tax assessor and tax collector; repealing conflicting laws; and providing for a referendum thereon.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 127, to-wit:

AMENDMENT TO H. B. 127

Amend House Bill 127, page 2, Section 4, line 14 by changing Section 4 line 14 by striking the following words on line 14:

~~the County Commission~~

and inserting in lieu thereof the following:

Section 40-5-4 of the 1975 Code of Alabama for Tax Collectors in Alabama,

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Langford	
Barron	Corbett	Hale	Manley	
Bedford	Covington	Hand	Menton	
Bedsole	deGraffenried	Hilliard	Mitchem	
Bennett	Denton	Holmes	Parsons	
Bishop	Drinkard	Horn	Preuitt	
Cabaniss	Ellis			—25

Nays: —0

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And said Bill, H. B. 127, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Langford	
Barron	Corbett	Hale	Manley	
Bedford	Covington	Hand	Menton	
Bedsole	deGraffenried	Hilliard	Mitchem	
Bennett	Denton	Holmes	Parsons	
Bishop	Drinkard	Horn	Preuitt	
Cabaniss	Ellis			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Denton, B. I. R., H. B. 160, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Langford	
Barron	Corbett	Hale	Manley	
Bedford	Denton	Hand	Menton	
Bedsole	Drinkard	Hilliard	Mitchem	
Bennett	Ellis	Holmes	Parsons	
Bishop	Figures	Horn	Smith (J)	
Cabaniss	Foshee			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 160. Relating to Lauderdale County; providing for the reidentification of registered voters in such county; prescribing the procedure for the reidentification of registered voters; providing a penalty for willfully making a false statement in connection with reidentification; exempting certain registered voters from the provisions of this act and repealing Act No. 87-258 of the 1987 Regular Session.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Langford	
Barron	Corbett	Hale	Manley	
Bedford	Denton	Hand	Menton	
Bedsole	Drinkard	Hilliard	Mitchem	
Bennett	Ellis	Holmes	Parsons	
Bishop	Figures	Horn	Smith (J)	
Cabaniss	Foshee			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Langford, B. I. R., S. B. 355, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Holmes
Barron	Corbett	Foshee	Langford
Bedford	Covington	Goodwin	Menton
Bedsole	deGraffenried	Hale	Mitchem
Bennett	Denton	Hand	Parsons
Bishop	Dixon	Hilliard	Pruitt
Cabaniss	Ellis		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 355. Relating to Montgomery County; providing further for the compensation of the judge of probate; providing for an adjustment in said compensation; providing payment out of county funds.

was taken up.

Senator Langford offered the following substitute for the Bill, S. B. 355, to-wit:

SUBSTITUTE FOR S. B. 355**A BILL
TO BE ENTITLED
AN ACT**

Relating to Montgomery County; providing further for the compensation of the judge of probate; providing for an adjustment in said compensation; providing payment out of county funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The judge of probate of Montgomery County shall receive as his compensation \$55,000 per annum to become effective at the next term of office.

Section 2. Upon the expiration of the first year of the next term of office of said judge of probate his compensation shall be increased in an amount equal to the percentage increase received by the employees in his office provided said amount shall not exceed \$2,400.00 per annum nor shall it exceed eight percent (8%) for any two successive years in said term of office, said increase to be effective on January 1 of each year.

Said compensation shall be paid out of the general fund of Montgomery County in the same manner as other county officials.

Section 3. This act shall become effective with the term of office of the judge of probate of Montgomery County, Alabama, next following its passage and approval by the Governor or upon its otherwise becoming law.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

State of Alabama, County of Montgomery.

Notice is hereby given that a bill substantially as follows will be introduced in the 1988 Regular Session of the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

Notice is hereby given, in accordance with Section 106 of the Constitution of 1901, as amended, and any provision of law relating to notice and local legislation, that there will be introduced in the Legislature of Alabama, during the Regular Session of 1988 and during any Special Session of 1988, either a new bill or an amendment or amendments which will be introduced to any pending bill or to one or all bills introduced during any such session of the Legislature of Alabama relating to Montgomery County and the percentage and method for the compensation of the Judge of Probate of Montgomery County, payable from the general fund of the county, the substance of which amendment or amendments will be as follows:

1. To provide that the sum of county compensation to the judge of probate will be less than 90% of the circuit judge, in an amount yet to be determined.

(Mont. Ind. Feb. 25, Mar. 3-10-17)

PROOF OF PUBLICATION

W. T. Johnson, being sworn, says that he is editor and publisher of The Montgomery Independent, a weekly newspaper of general circulation, printed and published in the City and County of Montgomery, Alabama, and that **the attached notice appeared in the issues of February 25 March 3, 10, 17** of the Montgomery Independent.

W. T. Johnson.

Sworn to and subscribed before me this the 18th day of March, 1988.

Susan Ward Johnson
My commission expires 2/4/91

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Holmes	
Barron	Corbett	Foshee	Langford	
Bedford	Covington	Goodwin	Menton	
Bedsole	deGraffenried	Hale	Mitchem	
Bennett	Denton	Hand	Parsons	
Bishop	Dixon	Hilliard	Preuitt	
Cabaniss	Ellis			—25

Nays: —0

And said Bill, S. B. 355, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Holmes	
Barron	Corbett	Foshee	Langford	
Bedford	Covington	Goodwin	Menton	
Bedsole	deGraffenried	Hale	Mitchem	
Bennett	Denton	Hand	Parsons	
Bishop	Dixon	Hilliard	Preuitt	
Cabaniss	Ellis			—25

Nays: —0**BUDGET ISOLATION RESOLUTION**

Senator Smith (J), B. I. R., S. B. 493, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Manley	
Bedford	Denton	Goodwin	Menton	
Bedsole	Dial	Hale	Mitchem	
Bennett	Dixon	Hand	Parsons	
Bishop	Drinkard	Hilliard	Preuitt	
Cabaniss	Ellis	Holmes	Smith (J)	
Campbell	Figures			—25

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 493. To provide a supplement to the salary of each district judge in the Thirty-ninth Judicial Circuit.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Manley	
Bedford	Denton	Goodwin	Menton	
Bedsole	Dial	Hale	Mitchem	
Bennett	Dixon	Hand	Parsons	
Bishop	Drinkard	Hilliard	Preuitt	
Cabaniss	Ellis	Holmes	Smith (J)	
Campbell	Figures			—25

Nays: —0**BUDGET ISOLATION RESOLUTION**

Senator Goodwin, B. I. R., S. B. 602, adopted.

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Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Manley
Bedford	Covington	Goodwin	Menton
Bedsole	deGraffenried	Hilliard	Mitchem
Bennett	Denton	Holmes	Parsons
Bishop	Dial	Horn	Preuitt
Cabaniss	Dixon	Langford	Smith (J)
Campbell	Drinkard		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 602. To fix the fee for the issuance of pistol permits in Dallas County and provide for the deposit of such fees in a fund known as the Sheriffs Law Enforcement fund and provide for the use of such fund and effective date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Manley
Bedford	Covington	Goodwin	Menton
Bedsole	deGraffenried	Hilliard	Mitchem
Bennett	Denton	Holmes	Parsons
Bishop	Dial	Horn	Preuitt
Cabaniss	Dixon	Langford	Smith (J)
Campbell	Drinkard		

—25

Nays: —0

ADJOURNMENT

At 7:35 P.M., on motion of Senator Drinkard, and in accordance with Motion heretofore adopted, the Senate adjourned until Thursday, March 31, 1988, at 9:45 A.M.

NINETEENTH LEGISLATIVE DAY

THURSDAY, MARCH 31, 1988

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by the Reverend Jack F. Douglas, Evangelist, First Baptist Church, Pelham, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Boderick Judge, Goodwyn Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Figures	Manley
Amari	Corbett	Foshee	Menton
Bailey	Covington	Goodwin	Mitchem
Barron	deGraffenried	Hale	Parsons
Bedford	Denton	Hand	Preuitt
Bedsole	Dial	Hilliard	Rice
Bennett	Dixon	Holmes	Sanders
Bishop	Drinkard	Horn	Smith (B)
Cabaniss	Ellis	Langford	Smith (J)

—35

JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Eighteenth Legislative Day was approved by the Senate.

RECESS

At 9:55 A.M., on motion of Senator deGraffenried, the Senate took a recess, subject to the call of the Chair, to hear the message of The Honorable William J. Bennett, U.S. Secretary of Education.

JOINT SESSION

At 10 o'clock A.M., in accordance with H. J. R. 309, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the message of The Honorable William J. Bennett, U.S. Secretary of Education.

The Session was called to order by Lieutenant Governor James E. Folsom, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, Secretary Bennett was escorted to the chair and delivered his address to the Legislature of Alabama.

At 10:50 A.M., the purpose of the Joint Session having been accomplished, the Senate returned to its Chamber and was called to order by Lieutenant Governor Folsom.

ROLL CALL

Present:

Senators:	Campbell	Figures	Manley
Amari	Corbett	Foshee	Menton
Bailey	Covington	Goodwin	Mitchem
Barron	deGraffenried	Hale	Parsons
Bedford	Denton	Hand	Preuitt
Bedsole	Dial	Hilliard	Rice
Bennett	Dixon	Holmes	Sanders
Bishop	Drinkard	Horn	Smith (B)
Cabaniss	Ellis	Langford	Smith (J)

—35

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 271. COMMENDING LADY BIRD JOHNSON AND DESIGNATING APRIL 28, 1988, AS "LADY BIRD JOHNSON DAY" IN ALABAMA.

On motion of Senator Drinkard, said Resolution was concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Senator Drinkard, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Drinkard, Goodwin, Manley, Smith (J), Bedsole, Parsons, Holmes, Dixon, Hand, Bennett, Barron, Foshee, Denton, Horn, Preuitt, Cabaniss, Hilliard, Amari, Covington, Bishop, Dial, deGraffenried, Campbell, Figures, and Hale:

S. 623. To amend Section 5-13A-2, Code of Alabama 1975, relating to banks and banking, to add the State of Texas to the states within the definition of "region" covered by the Alabama Regional Reciprocal Banking

Act of 1986; to provide for severability of the provisions of this Act; to provide for the amendment of conflicting laws to the extent of such conflict; and to provide an effective date.

Senator deGraffenried, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator deGraffenried:

S. 611. To amend Section 34-26-1, et seq., Code of Alabama 1975, by creating a new section, 34-26-49, allowing the Board of Examiners in Psychology to hire an Executive Secretary who may be a psychologist, if necessary to carry on its activities.

By Rep. Fuller:

H. 49. Relating to supernumerary magistrates; providing for eligibility requirements, terms of office, oath of office, compensation and prior service credit for magistrates for supernumerary status.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator Hilliard (With Notice and Proof) (With Amendments):

S. 548. To amend Section 5 of Act No. 105, H. 24, 1971 3rd Special Session (Acts of Alabama 1971, p. 4325), so as to allow any municipality having a population of 300,000 inhabitants or more according to the last or any subsequent federal census (Birmingham, Alabama, in Jefferson County), and acting pursuant to the authority granted by said Act No. 105 of the 1971 3rd Special Session of the Alabama Legislature, to authorize private contractors, companies, enterprises or individuals to abate and remove public nuisances caused by noxious or dangerous weeds without requiring compliance with the competitive bid law.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bennett (With Notice and Proof):

S. 483. Relating to the governing body of Jefferson County, Alabama; to authorize the Jefferson County Commission to employ administrative assistants, confidential secretaries and to set their compensation. To exempt such positions from any merit system and to provide other employment benefits.

By Senator Parsons (With Notice and Proof):

S. 496. Relating to Jefferson County; to prescribe for the compensation of the Chief Deputy Sheriff of Jefferson County and to provide for the payment thereof.

By Senator Bennett (With Notice and Proof):

S. 536. Relating to Jefferson County; authorizing the Director of Revenue, Commissioner of Licenses or License Inspector to issue boat licenses by mail and to allow an additional issuance fee to cover the expense of mailing such licenses.

By Senators Bennett and Hilliard (With Notice and Proof):

S. 557. To further regulate the sale of alcoholic or spirituous or vinous liquors, brewed or malt beverages and beer in any Class 1 municipality; to provide that certain validly licensed manufacturers brewing malt or malt liquors may sell to consumers and others for consumption on the premises or off the premises, as the case may be; to provide that a validly licensed restaurant retail licensee may also be licensed as a manufacturer of said malt brewed or malt liquors; to provide that certain manufacturers may also be wholesalers to sell said brewed or malt liquors, regardless of origination, to duly licensed persons or vendors; and to repeal any local, general or special law conflicting with the provisions of this act.

By Reps. Newton and Spratt (With Notice and Proof):

H. 561. To further amend Section 6 of Act No. 529 of the Legislature of Alabama of 1923, as codified in Title 62, Section 725, Code of Alabama 1940 (Recomp. 1958) and as amended by Act No. 87-788 to provide an expense allowance for members of the Park and Recreation Board of the City of Birmingham.

By Rep. Perdue (With Notice and Proof):

H. 566. To amend Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, approved September 18, 1973, as amended, to provide for the participation of the unclassified employees of the **City of Birmingham in the retirement and relief system of the City of Birmingham** and to provide for related matters.

By Reps. Newton and Spratt (With Notice and Proof):

H. 562. To amend Article VI, of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), Relating to the Extraordinary Disability Benefits of the City of Birmingham Retirement and Relief System, so as to provide that Extraordinary Disability Benefits shall not be paid to any participant who joins the system in or after July 1, 1988, during any period that such disabled participant is able to perform other duties in his job classification or the customary duties of another job with that participant's employer, which duties or job has been offered to participant and which job pays a salary or wage equal to or greater than the salary or wage such participant was earning at the time of the incident causing the disability, and to provide that, for injuries occurring after July 1, 1988, the Board of Managers may waive the one year limitation and grant an application for Extraordinary Disability Allowance if granted within thirty-six months after the incident resulting in such disability.

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Rep. Walker:

H. 34. To further provide for the civil procedures, exemptions, and remedies, from certain levies and sales under process, and garnishment

proceedings and garnishment maximums; to further amend and provide for: Section 6-10-6 relating to personal property exemptions from certain levies and sales, so as to exclude wages, salaries or other compensation; Section 6-10-37 relating to the garnishment of money, choses in action or personal property, so as to prescribe that the maximum of such amounts shall be those provided by the Constitution or federal laws; and Section 5-19-15 relating to the allowable maximum garnishment, so as to conform the basis to that of federal law.

By Rep. Walker:

H. 33. To amend Section 15-18-8 of the Code of Alabama 1975, so as to allow the judge presiding over the case with the advice and consent of the commissioner of the Alabama department of corrections, to sentence convicted defendants to certain disciplinary and rehabilitation programs of the department; to provide for the administration of such programs; to provide that benefits of the Alabama correctional incentive time act or any similar program shall not apply to any minimum period of confinement ordered pursuant to this section and to allow the court to retain jurisdiction to suspend sentence and place a defendant on probation after such defendant begins serving a minimum term of confinement under the provision of subsection (a).

By Senator Barron:

S. 420. To amend Sections 22-5-2 and 22-5-5, Code of Alabama 1975, relating to the state commission on physical fitness, so as to rename said commission and provide further for its role and duties relative to certain events.

BILLS RE-REFERRED

Pursuant to the provisions of Senate Rule 51, the President and Presiding Officer of the Senate ordered the Bill, S. B. 554, re-referred to the Standing Committee on State Development and Tourism.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the Bill, S. B. 568, and ordered same returned to the Senate with a favorable report.

Pursuant to the provisions of Senate Rule 51, the President and Presiding Officer of the Senate ordered said Bill, S. B. 568, re-referred to the Standing Committee on State Development and Tourism.

BILL RE-COMMITTED

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the Bill, S. B. 20, and ordered same returned to the Senate with a favorable report.

Senator Amari moved that the Bill, S. B. 20, be re-committed, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 20, re-committed to the Standing Committee on Local Legislation No. 2.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Figures:

S. 624. To provide for the appropriation and allocation of \$130,000 from the General Fund for the 1987-88 fiscal year ending September 30, 1988 to the Alabama Department of Youth Services for juvenile probation officer salary supplement.

Committee on Finance and Taxation.

MOTION IN WRITING

Senator Drinkard requested and received permission to suspend the Rules in order to offer the following Motion in Writing for Senator Ellis, to-wit:

I move that the Bill, S. B. 331, on page 27 of the 19th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 331, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 155. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That pursuant to Rule 9, of the Senate rules, the regular order of business is hereby set aside and the following order of business shall be the paramount and continuing order of business taking precedence over all other matters for the nineteenth legislative day of the 1988 Regular Session only:

1. Consent Calendar

On motion of Senator Drinkard, the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Drinkard, B. I. R., H. B. 313, adopted.

Yeas 21; Nays 1.

Yeas:

Senators:	deGraffenried	Hale	Manley
Barron	Dial	Hand	Mitchem
Bedsole	Dixon	Holmes	Preuitt
Bennett	Drinkard	Horn	Sanders
Cabaniss	Ellis	Langford	Smith (J)
Campbell	Goodwin		

—21

Nay: Senator Amari

—1

SPECIAL ORDER
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 313. To amend Section 12-15-34, Code of Alabama 1975, so as to provide that a child 14 or more years of age may be transferred by the juvenile court for criminal prosecution as an adult for any crime; to provide that the finding of probable cause at the transfer hearing in the juvenile court shall preclude a further probable cause hearing in the criminal court; to provide that the criminal court may exercise any authority over the child, once transferred, that is otherwise applicable to adult offenders; to provide that transfer to the criminal court and conviction therein terminates jurisdiction of the juvenile court over such child with respect to any pending or subsequent criminal acts; to amend the definition of "delinquent act" found in Section 12-15-1 so as to exclude criminal acts committed by a child who has previously been transferred for criminal prosecution and convicted as provided in Section 12-15-34; to amend Section 12-15-33 so as to preclude the possibility of transfer to the juvenile court of a criminal case against a child who has been previously transferred for criminal prosecution and convicted as provided in Section 12-15-34; and, to provide an effective date.

And said Bill, H. B. 313, was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Mitchem	
Amari	Campbell	Goodwin	Preuitt	
Bedsole	Corbett	Hale	Sanders	
Bennett	Dial	Holmes	Smith (B)	
Bishop	Dixon	Horn	Smith (J)	—19

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 43. CONGRATULATING THE TROY STATE UNIVERSITY FOOTBALL TEAM ON ITS 1987 NCAA DIVISION II NATIONAL CHAMPIONSHIP.

Also:

H. J. R. 165. COMMENDING THE UNIVERSITY OF ALABAMA IN HUNTSVILLE AND THE UNIVERSITY OF NORTH ALABAMA ON THE ESTABLISHMENT OF THE ALABAMA EDUCATIONAL COMPUTING RESEARCH AND DEVELOPMENT NETWORK.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of

a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 226. COMMENDING THE PIEDMONT LIONS CLUB, PIEDMONT, ALABAMA, ON ITS 50TH ANNIVERSARY OF SERVICE TO THE COMMUNITY.

Also:

H. J. R. 229. COMMENDING THE SUMTER COUNTY HIGH SCHOOL WILDCATS ON THE 1988 STATE 4A BASKETBALL CHAMPIONSHIP.

Also:

H. J. R. 230. COMMENDING BOY SCOUT TROOP 18 FOR OUTSTANDING SERVICE TO THE COMMUNITY.

Also:

H. J. R. 231. CONGRATULATING THE PICKENS ACADEMY LADY PIRATES ON THEIR OUTSTANDING 1988 BASKETBALL SEASON AND SECOND-PLACE RANKING IN APSA COMPETITION.

Also:

H. J. R. 232. CONGRATULATING THE PICKENS ACADEMY LADY PIRATES ON THEIR OUTSTANDING 1988 BASKETBALL SEASON AND SECOND-PLACE RANKING IN APSA COMPETITION.

Also:

H. J. R. 233. CONGRATULATING THE PICKENS ACADEMY LADY PIRATES ON THEIR OUTSTANDING 1988 BASKETBALL SEASON AND SECOND-PLACE RANKING IN APSA COMPETITION.

Also:

H. J. R. 234. CONGRATULATING THE PICKENS ACADEMY LADY PIRATES ON THEIR OUTSTANDING 1988 BASKETBALL SEASON AND SECOND-PLACE RANKING IN APSA COMPETITION.

Also:

H. J. R. 235. CONGRATULATING THE MARION HIGH SCHOOL RAMS AS ALABAMA'S STATE 2A BASKETBALL CHAMPIONS.

Also:

H. J. R. 236. CONGRATULATING MR. AND MRS. FLOYD HUBERT PATTON ON THE OCCASION OF THEIR 54TH WEDDING ANNIVERSARY.

Also:

H. J. R. 237. CONGRATULATING THE SYLACAUGA HIGH SCHOOL AGGIES ON THE 1987-88 STATE 5A BASKETBALL CHAMPIONSHIP.

Also:

H. J. R. 283. COMMENDING JAMES BOZEMAN OF ROBERT E. LEE HIGH SCHOOL, MONTGOMERY, ALABAMA.

Also:

H. J. R. 284. COMMENDING TINA WILSON OF THE CHILDREN'S CENTER SCHOOL, MONTGOMERY, ALABAMA.

Also:

H. J. R. 285. COMMENDING JOHN BELL OF SIDNEY LANIER HIGH SCHOOL, MONTGOMERY, ALABAMA.

Also:

H. J. R. 286. COMMENDING PEGGY NORRIS OF SETH JOHNSON ELEMENTARY SCHOOL, MONTGOMERY, ALABAMA.

Also:

H. J. R. 296. COMMENDING COACH LARRY F. CHAPMAN AND THE AUBURN UNIVERSITY AT MONTGOMERY BASKETBALL TEAM ON THEIR PRESTIGIOUS NATIONAL RANKING IN THE NAIA NATIONAL TOURNAMENT.

Also:

H. J. R. 307. COMMENDING JOHN STALLWORTH OF HUNTSVILLE, ALABAMA, ON HIS OUTSTANDING NFL CAREER.

Also:

H. J. R. 309. INVITING UNITED STATES SECRETARY OF EDUCATION, WILLIAM J. BENNETT, TO ADDRESS THE LEGISLATURE.

Also:

H. J. R. 312. COMMENDING JAMES H. (DOC) ASHCRAFT, REFORM CHAMBER OF COMMERCE "CITIZEN OF THE YEAR" FOR 1988.

Also:

H. J. R. 314. COMMENDING MAYOR JAMES P. NIX OF FAIRHOPE, ALABAMA, FOR DISTINGUISHED LEADERSHIP AND COMMUNITY SERVICE.

Also:

H. J. R. 315. COMMENDING MICHAEL A. FORD FOR OUTSTANDING SERVICE TO THE FAIRHOPE CITY COUNCIL AND THE COMMUNITY.

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Also:

H. J. R. 319. COMMENDING BARNEY L. SHULL FOR LONGTIME SERVICE TO THE CITY OF FAIRHOPE AND TO THE COMMUNITY.

Also:

H. J. R. 320. COMMENDING JEANETTE PUCKETT, FAIRHOPE CITY COUNCIL, FOR OUTSTANDING SERVICE TO THE COMMUNITY.

Also:

H. J. R. 238. COMMENDING DENNIS MAZE OF HORTON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND LEADERSHIP IN AGRICULTURE.

Also:

H. J. R. 239. COMMENDING THE SOUTHERN DEMOCRAT ON RECENT DISTINCTIONS OF EXCELLENCE.

Also:

H. J. R. 245. COMMENDING THE W. K. KELLOGG FOUNDATION OF BATTLE CREEK, MICHIGAN.

Also:

H. J. R. 246. CONGRATULATING THE HEWITT-TRUSSVILLE HIGH SCHOOL WRESTLING TEAM ON THE 1987-1988 STATE 6A CHAMPIONSHIP.

Also:

H. J. R. 247. COMMENDING HEAD COACH TONEY PUGH OF HEWITT-TRUSSVILLE HIGH SCHOOL.

Also:

H. J. R. 250. COMMENDING THE MOBILE COUNTRY MUSIC ASSOCIATION.

Also:

H. J. R. 251. MOURNING THE DEATH OF ROGER EMERSON FRITZ OF MOBILE, ALABAMA.

Also:

H. J. R. 269. MOURNING THE DEATH OF MARIE KENDALL CLARK OF EUFAULA, ALABAMA.

Also:

H. J. R. 281. COMMENDING SUSAN D. PARKER OF HARTSELLE, ALABAMA, A UNITED STATES JAYCEE OUTSTANDING YOUNG AMERICAN.

Also:

H. J. R. 282. COMMENDING ELOISE MOSELEY OF MORNINGVIEW ELEMENTARY SCHOOL, MONTGOMERY, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills and House Joint Resolution, your signature thereto is requested.

H. 266. Relating to Escambia County; providing for additional clerks for the judge of probate for the Atmore Satellite Courthouse.

Also:

H. 267. To fix the fee for the issuance of pistol permits in Escambia County and provide for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund and provide for the use of such fund and an effective date.

Also:

H. 268. Relating to Escambia County; repealing Act No. 86-722, H. 5, 1986 1st Special Session, relating to the election of the chairman of the county commission.

Also:

H. 269. Relating to Escambia County; to provide a procedure for handling cases involving invalid checks given for licenses, and the voiding of such licenses.

Also:

H. 319. Relating to Escambia County; providing for additional assistants for the county tax assessor and tax collector for the Atmore Satellite Courthouse.

Also:

H. J. R. 225. COMMENDING JACK VENABLE FOR OUTSTANDING ACHIEVEMENT.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 193. A bill to amend §34-24-74 to provide that a physician licensed to practice medicine in any state or the District of Columbia who may be called into this state to treat a patient in consultation with a physician licensed in this state shall be allowed the temporary privilege of practicing in this state and that such privilege shall be limited to ten (10) calendar days in a calendar year; and to provide that a physician licensed to practice in any state who accompanies a patient being transported to this state for treatment shall be permitted to render medical care to the patient being transported and on arrival shall immediately refer the care of the patient to a physician licensed in this state.

Also:

H. 210. To amend sections 12-18-55, 12-18-58, and 12-18-60, Code of Alabama 1975, to provide that district judges who have served 10 years as a district judge and have reached 70 years of age shall be eligible to retire, regardless of whether such service is continuous; to further provide spousal benefits for district judges equal to 3 percent of their state salary; to further provide that the amount of benefits received by retired district judges shall be computed based on a percentage of their state salary rather than the retirement pay received by circuit judges and to provide that such judges shall be entitled to the same cost-of-living increases as received by retired state employees.

Also:

H. 417. Relating to state deposits, to create the 1988 George Wallace, Jr., Plan of Linked Deposits; to provide for legislative intent and purpose; to provide for definitions; to authorize the state treasurer to use a certain percentage of state funds for the Plan; to authorize the treasurer to enter into agreements with participating lending institutions of this state whereby the state makes deposits with participating lending institutions at rates of interest lower than the prevailing market rates of interest in return for the commitment of the lending institution to lend equal amounts of funds to eligible agricultural and business borrowers at similarly reduced rates of interest with the objective of stimulating agriculture and business and preserving or creating jobs for Alabama citizens; to establish criteria for qualifying for such low interest loans; to provide for amounts and terms of such loans; to provide for the pricing of such linked deposits and the loans upon which they are based; to provide for application forms and procedures for such loans; to require annual reporting by the treasurer to the legislature regarding the Plan; and to specifically terminate the Plan September 30, 1991, unless the legislature extends it.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been

publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Langford, B. I. R., S. B. 357, adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Mitchem	
Bedsole	Denton	Holmes	Preuitt	
Bennett	Dixon	Horn	Sanders	
Bishop	Drinkard	Langford	Smith (B)	
Cabaniss	Ellis	Manley	Smith (J)	
Campbell	Goodwin			—21

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 357. Relating to deputy circuit clerks; to repeal Section 17-2-8, Code of Alabama 1975, which provides for the election of deputy circuit clerks in counties having more than 5 circuit judges; repealing Section 12-17-99, Code of Alabama 1975, which relates to the supplemental salary of elected deputy circuit clerks.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Manley	
Amari	Corbett	Figures	Mitchem	
Barron	deGraffenried	Goodwin	Preuitt	
Bedsole	Dial	Holmes	Sanders	
Bennett	Dixon	Horn	Smith (B)	
Cabaniss	Drinkard	Langford		—22

Nays: —0

MOTIONS IN WRITING

Senator Ellis requested and received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, H. B. 62, on page 35 of the 19th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 62, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Hale requested and received permission to suspend the Rules in order to offer the following Motions in Writing, to-wit:

I move that the Bill, S. B. 407, on page 87 of the 19th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, S. B. 239, on page 57 of the 19th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which were adopted, and the President and Presiding Officer of the Senate ordered said Bills, S. B.'s 407 and 239, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BUDGET ISOLATION RESOLUTION

Senator Langford, B. I. R., S. B. 501, adopted.

Yeas 18; Nays 1.

Yeas:

Senators:	Denton	Hale	Preuitt
Bishop	Dial	Holmes	Sanders
Cabaniss	Dixon	Langford	Smith (B)
Campbell	Drinkard	Manley	Smith (J)
deGraffenried	Goodwin	Mitchem	

—18

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 501. To amend Sections 34-33-1, 34-33-2, 34-33-3, 34-33-4, 34-33-5, 34-33-6 and 34-33-10 of the Code of Alabama 1975, relating to fire protection sprinkler systems, so as to redefine such systems and to further regulate the fire protection sprinkler system business in this state.

was taken up.

On motion of Senator Langford, further consideration of the Bill, S. B. 501, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Mitchem, B. I. R., S. B. 419, adopted.

Yeas 20; Nays 1.

Yeas:

Senators:	Denton	Goodwin	Mitchem
Barron	Dial	Hale	Preuitt
Bedsole	Dixon	Holmes	Sanders
Cabaniss	Drinkard	Horn	Smith (B)
Campbell	Ellis	Langford	Smith (J)
deGraffenried			

—20

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 419. Further providing for service charges of worthless checks for restitution and in the criminal procedure from crimes relating to worthless checks or negotiating a worthless negotiable instrument and notice, so as to increase such charges; amending Section 12-17-224, Code of Alabama 1975, as amended by Act No. 87-565, S. 319, Regular Session 1987, relating to restitution process and service charges for worthless checks; amending Section 13A-9-13.1, Code of Alabama 1975, as amended, relating to the crime of negotiating a worthless negotiable instrument and service charges, and Section 13A-9-13.2, Code of Alabama 1975, as amended, relating to notice of such crime and service charges, so as to increase such service charges.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	deGraffenried	Figures	Langford	
Amari	Denton	Goodwin	Mitchem	
Bedsole	Dial	Hale	Preuitt	
Cabaniss	Dixon	Holmes	Sanders	
Campbell	Drinkard	Horn	Smith (B)	
Corbett	Ellis			—21

Nays: —0

FURTHER CONSIDERATION OF S. B. 501

The Senate proceeded to further consideration of the Bill, S. B. 501.

Senator Langford requested and received permission to suspend the Rules in order to offer the following amendment to the Bill, S. B. 501, to-wit:

AMENDMENT TO S. B. 501

Amend Senate Bill 501, Page 2, Line 11, by striking the word “active” and inserting in lieu thereof the word “inactive”.

Further amend Senate Bill 501, page 2, line 15, by striking the comma after the word approved and inserting in lieu thereof the word and

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Amari	deGraffenried	Hale	Preuitt	
Bedsole	Denton	Hilliard	Sanders	
Bishop	Dixon	Holmes	Smith (B)	
Cabaniss	Ellis	Horn	Smith (J)	
Campbell	Figures	Langford		—22

Nays: —0

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And said Bill, S. B. 501, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Preuitt	
Amari	Denton	Holmes	Rice	
Bishop	Dixon	Horn	Sanders	
Cabaniss	Drinkard	Langford	Smith (B)	
Campbell	Ellis	Mitchem	Smith (J)	
Corbett	Goodwin			—21

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Cabaniss, B. I. R., S. B. 488, adopted.

Yeas 19; Nays 1.

Yeas:

Senators:	Dixon	Hilliard	Preuitt	
Cabaniss	Drinkard	Holmes	Rice	
Campbell	Ellis	Horn	Sanders	
deGraffenried	Goodwin	Langford	Smith (B)	
Denton	Hale	Mitchem	Smith (J)	—19

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 488. To establish an Alabama Men's Hall of Fame; to prescribe its purposes and membership; to provide for election of members and officers and for holding of meetings; and to repeal Sections 41-9-850 through 41-9-853, Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Mitchem	
Amari	Denton	Hale	Preuitt	
Cabaniss	Dial	Holmes	Rice	
Campbell	Dixon	Horn	Sanders	
Corbett	Ellis	Langford	Smith (J)	
Covington				—20

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., S. B. 15, adopted.

Yeas 19; Nays 1.

Yeas:

Senators:	Denton	Hale	Mitchem	
Bishop	Dial	Holmes	Preuitt	
Cabaniss	Dixon	Horn	Rice	
Campbell	Drinkard	Langford	Sanders	
deGraffenried	Goodwin	Manley	Smith (J)	—19
<i>Nay:</i> Senator Amari				—1

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 15. To further amend Sections 41-9-800 and 41-9-801, Code of Alabama 1975, relating to the Cahaba Trace Commission, so as to increase the membership and to provide terms of office for the members in Autauga County.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Preuitt	
Amari	deGraffenried	Hale	Rice	
Bedsole	Denton	Holmes	Sanders	
Cabaniss	Dial	Horn	Smith (B)	
Campbell	Dixon	Langford	Smith (J)	
Corbett	Drinkard	Manley		—22
<i>Nays:</i>				—0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., S. B. 8, adopted.

Yeas 22; Nays 1.

Yeas:

Senators:	deGraffenried	Goodwin	Preuitt	
Bennett	Denton	Holmes	Rice	
Bishop	Dial	Horn	Sanders	
Cabaniss	Dixon	Langford	Smith (B)	
Campbell	Drinkard	Manley	Smith (J)	
Covington	Figures	Mitchem		—22
<i>Nay:</i> Senator Amari				—1

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 8. To exempt from all state, county or local ad valorem taxes and from all state, county or local sales and use taxes all property owned and used by the Selma-Dallas County Historic Preservation Society.

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was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Preuitt	
Amari	Denton	Hale	Rice	
Bishop	Dial	Horn	Sanders	
Cabaniss	Dixon	Langford	Smith (B)	
Campbell	Drinkard	Mitchem	Smith (J)	
Covington				—20

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., S. B. 11, adopted.

Yeas 18; Nays 1.

Yeas:

Senators:	Denton	Hale	Rice	
Bennett	Dial	Horn	Sanders	
Bishop	Dixon	Langford	Smith (B)	
Campbell	Figures	Mitchem	Smith (J)	
deGraffenried	Goodwin	Preuitt		—18

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 11. To amend Section 28-3A-11 of the Code of Alabama 1975, relating to lounge retail liquor license so as to create a separation of package retail liquor license from the lounge retail liquor license.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Corbett	Drinkard	Mitchem	
Amari	Covington	Figures	Preuitt	
Bennett	deGraffenried	Goodwin	Rice	
Bishop	Denton	Hale	Sanders	
Cabaniss	Dial	Horn	Smith (B)	
Campbell	Dixon	Langford	Smith (J)	—23

Nays: —0

RESOLUTION

Senator Smith (B) requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 156. COMMENDING WILLIAM C. BRADFORD OF HUNTSVILLE, ALABAMA, FOR DISTINGUISHED SERVICE AND CONTRIBUTIONS TO OUR NATION'S SPACE PROGRAM.

WHEREAS, a native of Vredenburgh, Alabama, and a graduate of Troy State University with the B.S. degree, William C. (Cliff) Bradford joined the Marshall Space Flight Center in July 1975 following assignments with the former National Advisory Committee for Aeronautics in Langley, Virginia, and NASA's Lyndon B. Johnson Space Center in Houston, Texas; and

WHEREAS, Mr. Bradford served for more than four years as Chief of the Systems Software Office in the Marshall Center Systems Analysis and Integration Laboratory and, in January 1979, became deputy director of the Data Systems Laboratory, now the Information and Electronics Systems Lab; in 1981 he was named director of the laboratory, continuing in this capacity for the remainder of his career; and

WHEREAS, Cliff Bradford has been recognized for his many outstanding contributions to America's success in space exploration through such distinctions as the NASA Exceptional Service Medal for his involvement in the Apollo Lunar Landing Program; the NASA Outstanding Leadership medal for his work with the Shuttle Program; and the Astronautics Toftoy Award for outstanding technical management, among many other awards from each of NASA's manned programs from Mercury to the Shuttle Program; and

WHEREAS, an acknowledged expert in his field, Mr. Bradford also has presented numerous papers on data management at national and international conferences, and has lectured at New York University and the University of West Florida Graduate School; and

WHEREAS, in government service and the military, William C. Bradford has served his country with honor and devotion for the past thirty years, and we are deeply grateful for his contributions to the enrichment of our lives and to the glory of our nation through his accomplished work with the Marshall Space Flight Center; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend William C. (Cliff) Bradford of Huntsville, Alabama, on his distinguished career, and do further direct that he be presented with a copy of this resolution on the occasion of his retirement with NASA's Marshall Space Flight Center.

On motion of Senator Smith (B), the Rules were suspended and the Resolution was adopted by the Senate.

MOTION IN WRITING

Senator Smith (B) requested and received permission to suspend the Rules in order to offer the following Motion in Writing for Senator Rice, to-wit:

I move that the Bill, S. B. 196, on page 43 of the 19th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 196, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RECESS

At 11:45 A.M., Senator Corbett moved that the Senate take a recess until 1 o'clock P.M., which motion was lost.

At 11:46 A.M., on motion of Senator Corbett, the Senate took a recess until 1:05 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

BUDGET ISOLATION RESOLUTION

Senator Denton, B. I. R., S. B. 152, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Preuitt	
Barron	Covington	Hand	Rice	
Bennett	deGraffenried	Holmes	Sanders	
Bishop	Denton	Langford	Smith (J)	
Cabaniss	Dixon	Manley		—18

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 152. To bring bonding requirements of license commissioners, revenue commissioners, or others of similar title, who determine or collect taxes or revenues, in line with those of tax collectors as required by Section 40-5-3, Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Figures	Manley	
Bailey	Covington	Goodwin	Preuitt	
Bedsole	deGraffenried	Hale	Rice	
Bennett	Denton	Hand	Sanders	
Bishop	Dial	Holmes	Smith (B)	
Cabaniss	Dixon	Langford	Smith (J)	
Campbell	Drinkard			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills and House Joint Resolutions, your signature thereto is requested.

H. 126. Relating to St. Clair County; to provide for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

Also:

H. 160. Relating to Lauderdale County; providing for the reidentification of registered voters in such county; prescribing the procedure for the

reidentification of registered voters; providing a penalty for willfully making a false statement in connection with reidentification; exempting certain registered voters from the provisions of this act and repealing Act No. 87-258 of the 1987 Regular Session.

Also:

H. J. R. 329. COMMENDING COACH WYMAN TOWNSEL AND THE ETOWAH HIGH SCHOOL BLUE DEVILS ON THEIR OUTSTANDING 1987 FOOTBALL SEASON.

Also:

H. J. R. 330. COMMENDING COACH BRENT CLIFTON AND THE WEST END HIGH SCHOOL PATRIOTS ON THEIR OUTSTANDING 1987 FOOTBALL SEASON.

Also:

H. J. R. 331. COMMENDING THE ETOWAH HIGH SCHOOL BLUE DEVILS ON THEIR OUTSTANDING 1988 BASKETBALL SEASON.

Also:

H. J. R. 332. HONORING JOHN WRIGHT OF HUNTSVILLE, ALABAMA, FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF ALABAMA IN HUNTSVILLE AND TO THE COMMUNITY.

Also:

H. J. R. 333. COMMENDING JEANIECE SLATER, ONE OF OUR STATES MOST OUTSTANDING YOUNG ATHLETES.

Also:

H. J. R. 334. CONGRATULATING MR. AND MRS. ELBERT HENRY JONES ON THE OCCASION OF THEIR 71ST WEDDING ANNIVERSARY.

Also:

H. J. R. 335. CONGRATULATING MR. AND MRS. ALVIE LEE PIKE ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 336. CONGRATULATING THE REVEREND AND MRS. TED COLEMAN ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 337. CONGRATULATING MR. AND MRS. MARSHALL GAMBLE ON THE OCCASION OF THEIR 69th WEDDING ANNIVERSARY.

Also:

H. J. R. 338. CONGRATULATING MR. AND MRS. CHARLES G. HOWARD ON THE OCCASION OF THEIR 61ST WEDDING ANNIVERSARY.

Also:

H. J. R. 339. COMMENDING THE LITCHFIELD HIGH SCHOOL EAGLES ON THE ACCOMPLISHMENTS OF THEIR 1988 BASKETBALL SEASON.

Also:

H. J. R. 172. DESIGNATING PORTIONS OF STATE HIGHWAY 5 AND STATE HIGHWAY 25, IN BIBB COUNTY, ALABAMA, THE VIETNAM VETERANS MEMORIAL HIGHWAY.

Also:

H. J. R. 228. TO HELP KEEP ALABAMA BEAUTIFUL BY REMOVING TRASH FROM ALABAMA HIGHWAYS AND STREETS USING, WHERE POSSIBLE PRISON LABOR AND BY PLANTING CRIMSON CLOVER.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill and House Joint Resolution, your signature thereto is requested.

H. 313. To amend Section 12-15-34, Code of Alabama 1975, so as to provide that a child 14 or more years of age may be transferred by the juvenile court for criminal prosecution as an adult for any crime; to provide that the finding of probable cause at the transfer hearing in the juvenile court shall preclude a further probable cause hearing in the criminal court; to provide that the criminal court may exercise any authority over the child, once transferred, that is otherwise applicable to adult offenders; to provide that transfer to the criminal court and conviction therein terminates jurisdiction of the juvenile court over such child with respect to any pending or subsequent criminal acts; to amend the definition of "delinquent act" found in Section 12-15-1 so as to exclude criminal acts committed by a child who has previously been transferred for criminal prosecution and convicted as provided in Section 12-15-34; to amend Section 12-15-33 so as to preclude the possibility of transfer to the juvenile court of a criminal case against a child who has been previously transferred for criminal prosecution and convicted as provided in Section 12-15-34; and, to provide an effective date.

Also:

H. J. R. 271. COMMENDING LADY BIRD JOHNSON AND DESIGNATING APRIL 28, 1988, AS "LADY BIRD JOHNSON DAY" IN ALABAMA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 66. CREATING A LEGISLATIVE COMMISSION ON A.I.D.S.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., S. B. 386, adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Covington	Hale	Preuitt	
Bennett	deGraffenried	Hilliard	Rice	
Bishop	Denton	Holmes	Sanders	
Cabaniss	Drinkard	Langford	Smith (B)	
Campbell	Goodwin	Manley	Smith (J)	—19

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 386. To amend section 27-3-27, Code of Alabama 1975, relating to licensing of insurance agents, solicitors or brokers of insurance by insurers, so as to establish requirements and standards for continuing education programs for such persons in Alabama and to provide certain exceptions.

was taken up.

Senator Covington requested and received permission to suspend the Rules in order to offer the following amendment to the Bill, S. B. 386, to-wit:

AMENDMENT TO S. B. 386

Amend S. B. 386 Page 7 Line 30 by inserting "h. All resident persons who are licensed exclusively as an agent with a Mutual Aid Association."

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Further amend S. B. 386 on page 7, line 2 as follows:

Delete the word "certified" and insert in lieu thereof the word "chartered"

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Covington	Figures	Preuitt	
Bailey	Denton	Goodwin	Sanders	
Bedsole	Dial	Hale	Smith (B)	
Bishop	Dixon	Hand	Smith (J)	
Campbell	Drinkard	Langford		—18

Nays: —0

And said Bill, S. B. 386, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Covington	Figures	Manley	
Bailey	deGraffenried	Goodwin	Preuitt	
Bishop	Dial	Hale	Sanders	
Campbell	Dixon	Hand	Smith (B)	
Corbett	Drinkard	Langford	Smith (J)	—19

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Dixon, B. I. R., H. B. 34, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Manley	
Bailey	Covington	Ellis	Preuitt	
Bedsole	deGraffenried	Goodwin	Sanders	
Bennett	Denton	Hale	Smith (J)	
Bishop	Dixon	Hand		—18

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 34. To further provide for the civil procedures, exemptions, and remedies, from certain levies and sales under process, and garnishment proceedings and garnishment maximums; to further amend and provide for: Section 6-10-6 relating to personal property exemptions from certain levies and sales, so as to exclude wages, salaries or other compensation; Section 6-10-37 relating to the garnishment of money, choses in action or personal property, so as to prescribe that the maximum of such amounts shall be those provided by the Constitution or federal laws; and Section 5-19-15

relating to the allowable maximum garnishment, so as to conform the basis to that of federal law.

was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Mitchem
Bedsole	Dixon	Hand	Preuitt
Bennett	Drinkard	Holmes	Rice
Bishop	Ellis	Manley	Sanders
Campbell	Figures	Menton	Smith (B)
Covington	Goodwin		

—21

Nays:

—0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 501. To amend Sections 34-33-1, 34-33-2, 34-33-3, 34-33-4, 34-33-5, 34-33-6 and 34-33-10 of the Code of Alabama 1975, relating to fire protection sprinkler systems, so as to redefine such systems and to further regulate the fire protection sprinkler system business in this state.

BILL DRINKARD,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 355. Relating to Montgomery County; providing further for the compensation of the judge of probate; providing for an adjustment in said compensation; providing payment out of county funds.

BILL DRINKARD,
Chairperson.

MOTIONS IN WRITING

Senator Preuitt requested and received permission to suspend the Rules in order to offer the following Motions in Writing for Senator Smith (J), to-wit:

I move that the Bill, H. B. 351, on page 73 of the 19th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, S. B. 472, on page 12 of the 19th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which were adopted, and the President and Presiding Officer of the Senate ordered said Bills, H. B. 351 and S. B. 472, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Senators Holmes, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J) requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 157. COMMENDING JOE ROBERTSON OF MONTGOMERY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND PUBLIC SERVICE.

WHEREAS, the Legislature of Alabama notes with highest commendation and admiration the outstanding achievements and public service of Joe Robertson, the Executive Secretary of the Alabama Society of Certified Public Accountants; and

WHEREAS, he began employment as the Executive Director of the Alabama State Board of Public Accountancy on August 2, 1972; and

WHEREAS, he exemplified dedicated public service as Executive Director of the Alabama State Board of Public Accountancy until 1985 when the Alabama State Board of Public Accountancy established separate and distinct offices from the Alabama Society of Certified Public Accountants; and

WHEREAS, he began employment as the Executive Secretary of the Alabama Society of Certified Public Accountants on August 2, 1972; and

WHEREAS, he exemplified extraordinary leadership as Executive Secretary of the Alabama Society of Certified Public Accountants; and

WHEREAS, he is slated to retire as Executive Secretary of the Alabama Society of Certified Public Accountants on May 31, 1988, after fifteen years and ten months of dedicated service; and

WHEREAS, during his tenure as Executive Secretary of the Alabama Society of Certified Public Accountants, membership has tripled by increasing from approximately nine hundred eighty members to over three thousand members; and

WHEREAS, during his tenure as Executive Secretary of the Alabama Society of Certified Public Accountants, the Society's offerings of continuing education courses to public accountants in the State of Alabama have increased from approximately fifteen courses scheduled annually in 1972 to over sixty courses offered annually in 1988; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition and admiration

of extraordinary achievement and public service, we hereby commend Joe Robertson of Montgomery, Alabama, and do further direct that he receive a copy of this resolution expressing our highest regard and sincere best wishes for every future success in life.

On motion of Senator Holmes, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 106. To amend Section 22-30-5.1, Code of Alabama 1975, as amended, to prohibit the siting or construction of any commercial hazardous waste treatment facility or disposal site in this state after December 31, 1988, until the select joint nuclear energy activities and hazardous chemical toxic waste oversight committee submits its written findings and recommendations regarding said proposed siting or construction and the legislature thereafter gives approval therefor by joint resolution; to require the hazardous waste committee to consider and include in said written report an evaluation of various criteria set forth herein; and it names the bill "The Hazardous Waste Control Amendment of 1988."

Also:

S. 246. To amend Act No. 464, H. 1033, approved November 13, 1959, relating to the management of the public records of Madison County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Madison County, and for payment of the costs incurred in the purchase of photographic or microphotographic equipment; creating a county records commission to regulate the destruction or disposal of such public records; and providing for establishment of a county records custodian and reproduction department.

Also:

S. 322. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Wilton, in Shelby County.

Also:

S. 341. Relating to Shelby County; to authorize the creation of public library districts in certain areas of Shelby County; to prescribe conditions and procedures relative to the creation of such districts; to prescribe the organization, rights and powers of such districts; to prescribe limitations on such rights and powers; to provide for the levying of certain service charges; to repeal all conflicting statutes and to provide referendums.

Also:

S. 429. To appropriate from the General Fund the sum of \$700,000 during the fiscal year 1987-1988, to the Department of Agriculture and Industries Agricultural Development Services program which sum shall be

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allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

BUDGET ISOLATION RESOLUTION

Senator Hale, B. I. R., H. B. 33, adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Denton	Figures	Mitchem	
Bedsole	Dial	Goodwin	Preuitt	
Bishop	Dixon	Hale	Rice	
Cabaniss	Drinkard	Langford	Sanders	
Campbell	Ellis	Manley	Smith (B)	
deGraffenried				—20

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 33. To amend Section 15-18-8 of the Code of Alabama 1975, so as to allow the judge presiding over the case with the advice and consent of the commissioner of the Alabama department of corrections, to sentence convicted defendants to certain disciplinary and rehabilitation programs of the department; to provide for the administration of such programs; to provide that benefits of the Alabama correctional incentive time act or any similar program shall not apply to any minimum period of confinement ordered pursuant to this section and to allow the court to retain jurisdiction to suspend sentence and place a defendant on probation after such defendant begins serving a minimum term of confinement under the provision of subsection (a).

was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Senators:	deGraffenried	Figures	Mitchem	
Bedsole	Denton	Goodwin	Preuitt	
Bennett	Dial	Hale	Rice	
Bishop	Dixon	Hand	Sanders	
Cabaniss	Drinkard	Langford	Smith (B)	
Campbell	Ellis	Manley		—22

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Mitchem, B. I. R., S. B. 420, adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	deGraffenried	Figures	Mitchem	
Bedsole	Denton	Goodwin	Preuitt	
Bennett	Dial	Hale	Rice	
Bishop	Dixon	Hand	Sanders	
Cabaniss	Drinkard	Langford	Smith (B)	
Campbell	Ellis	Manley		—22

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 420. To amend Sections 22-5-2 and 22-5-5, Code of Alabama 1975, relating to the state commission on physical fitness, so as to rename said commission and provide further for its role and duties relative to certain events.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	deGraffenried	Figures	Manley	
Bedsole	Denton	Goodwin	Mitchem	
Bishop	Dial	Hale	Preuitt	
Cabaniss	Dixon	Hand	Rice	
Campbell	Drinkard	Holmes	Sanders	
Corbett	Ellis	Langford	Smith (B)	—23

Nays: —0**MOTION TO ADJOURN LOST**

Senator Denton moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, April 5, 1988, at 2 o'clock P.M., which motion was lost.

Yeas 11; Nays 20.

Yeas:

Senators:	Bishop	Covington	Parsons	
Amari	Campbell	Denton	Sanders	
Bennett	Corbett	Holmes	Smith (B)	—11

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Nays:

Senators:	Dial	Goodwin	Manley
Bailey	Dixon	Hale	Mitchem
Barron	Drinkard	Hand	Preuitt
Bedsole	Ellis	Horn	Rice
Cabaniss	Figures	Langford	Smith (J)
deGraffenried			

—20

MOTION TO ADJOURN

Senator Bishop moved that when the Senate adjourns today, it adjourn to meet again on Friday, April 1, 1988, at 10 o'clock A.M.

Senator Rice offered a substitute motion that when the Senate adjourns today, it adjourn to meet again on Friday, April 1, at 12:01 A.M., which motion was adopted.

Yeas 16; Nays 14.

Yeas:

Senators:	Bishop	deGraffenried	Horn
Amari	Campbell	Dial	Langford
Barron	Corbett	Drinkard	Parsons
Bedsole	Covington	Ellis	Rice
Bennett			

—16

Nays:

Senators:	Dixon	Hand	Preuitt
Bailey	Figures	Holmes	Smith (B)
Cabaniss	Goodwin	Manley	Smith (J)
Denton	Hale	Mitchem	

—14

BUDGET ISOLATION RESOLUTION

Senator Bailey, B. I. R., S. B. 442, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hale	Manley
Bailey	Corbett	Hand	Menton
Bedford	Covington	Hilliard	Mitchem
Bedsole	deGraffenried	Holmes	Parsons
Bennett	Denton	Horn	Preuitt
Bishop	Dial	Langford	Rice
Cabaniss	Dixon		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 442. Relating to Geneva County; providing for election of the members of the county commission from certain defined districts and prescribing the manner by which such districts shall hereafter be defined for purposes of electing such members.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hale	Manley	
Bailey	Corbett	Hand	Menton	
Bedford	Covington	Hilliard	Mitchem	
Bedsole	deGraffenried	Holmes	Parsons	
Bennett	Denton	Horn	Preuitt	
Bishop	Dial	Langford	Rice	
Cabaniss	Dixon			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 545, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Hand	Menton	
Bailey	Covington	Hilliard	Mitchem	
Bedsole	Dixon	Holmes	Parsons	
Bennett	Drinkard	Horn	Preuitt	
Bishop	Ellis	Langford	Rice	
Cabaniss	Goodwin	Manley	Smith (J)	
Campbell	Hale			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 545. Relating to Geneva County; providing for election of the members of the county commission from certain defined districts and prescribing the manner by which such districts shall hereafter be defined for purposes of electing such members.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Hand	Menton	
Bailey	Covington	Hilliard	Mitchem	
Bedsole	Dixon	Holmes	Parsons	
Bennett	Drinkard	Horn	Preuitt	
Bishop	Ellis	Langford	Rice	
Cabaniss	Goodwin	Manley	Smith (J)	
Campbell	Hale			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Covington, B. I. R., H. B. 559, adopted.

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Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hilliard	Mitchem
Bailey	Dial	Holmes	Parsons
Bedsole	Dixon	Horn	Preuitt
Bennett	Drinkard	Langford	Rice
Bishop	Goodwin	Manley	Sanders
Cabaniss	Hale	Menton	Smith (J)
Campbell	Hand		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 559. Relating to Houston County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hilliard	Mitchem
Bailey	Dial	Holmes	Parsons
Bedsole	Dixon	Horn	Preuitt
Bennett	Drinkard	Langford	Rice
Bishop	Goodwin	Manley	Sanders
Cabaniss	Hale	Menton	Smith (J)
Campbell	Hand		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B. I. R., S. B. 546, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Langford
Amari	Corbett	Figures	Menton
Bailey	Covington	Goodwin	Parsons
Barron	deGraffenried	Hand	Preuitt
Bedsole	Denton	Holmes	Rice
Bishop	Dial	Horn	Sanders
Cabaniss	Dixon		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 546. Relating to Mobile County, providing further for the deposit of any interest on county funds.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Langford
Amari	Corbett	Figures	Menton
Bailey	Covington	Goodwin	Parsons
Barron	deGraffenried	Hand	Preuitt
Bedsole	Denton	Holmes	Rice
Bishop	Dial	Horn	Sanders
Cabaniss	Dixon		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Figures, B. I. R., S. B. 559, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Langford
Amari	Corbett	Figures	Menton
Bailey	Covington	Goodwin	Parsons
Barron	deGraffenried	Hand	Preuitt
Bedsole	Denton	Holmes	Rice
Bishop	Dial	Horn	Sanders
Cabaniss	Dixon		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 559. To authorize the governing body of Mobile County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Mobile County, on all taxable property situated within the special school tax district subject to the jurisdiction and control of the Board of School Commissioners of Mobile County, the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.35 on each one hundred dollars (13.5 mills on each dollar) of assessed value.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Langford
Amari	Corbett	Figures	Menton
Bailey	Covington	Goodwin	Parsons
Barron	deGraffenried	Hand	Preuitt
Bedsole	Denton	Holmes	Rice
Bishop	Dial	Horn	Sanders
Cabaniss	Dixon		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Figures, B. I. R., S. B. 560, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Langford
Amari	Corbett	Figures	Menton
Bailey	Covington	Goodwin	Parsons
Barron	deGraffenried	Hand	Preuitt
Bedsole	Denton	Holmes	Rice
Bishop	Dial	Horn	Sanders
Cabaniss	Dixon		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 560. Relating to Mobile County; to exempt from all county, local or municipal ad valorem taxes all property owned and used by the City Federation of Women's Clubs, Incorporated, a non-profit corporation; to make the provisions of the act retroactive to October 1, 1987.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Langford
Amari	Corbett	Figures	Menton
Bailey	Covington	Goodwin	Parsons
Barron	deGraffenried	Hand	Preuitt
Bedsole	Denton	Holmes	Rice
Bishop	Dial	Horn	Sanders
Cabaniss	Dixon		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bishop, B. I. R., H. B. 551, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Langford
Bedsole	Dial	Hale	Manley
Bennett	Dixon	Hand	Menton
Bishop	Drinkard	Hilliard	Mitchem
Cabaniss	Ellis	Holmes	Parsons
Campbell	Figures	Horn	Sanders
deGraffenried	Foshee		

—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 551. Relating to Greene County; providing for an additional expense allowance for the county coroner.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Langford	
Bedsole	Dial	Hale	Manley	
Bennett	Dixon	Hand	Menton	
Bishop	Drinkard	Hilliard	Mitchem	
Cabaniss	Ellis	Holmes	Parsons	
Campbell	Figures	Horn	Sanders	
deGraffenried	Foshee			—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Ellis, B. I. R., H. B. 564, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Parsons	
Bedsole	deGraffenried	Hand	Preuitt	
Bennett	Denton	Langford	Rice	
Bishop	Dial	Manley	Sanders	
Cabaniss	Dixon	Menton	Smith (B)	
Campbell	Ellis	Mitchem	Smith (J)	
Corbett	Goodwin			—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 564. Relating to Shelby County; to authorize the creation of public library districts in certain areas of Shelby County; to prescribe conditions and procedures relative to the creation of such districts; to prescribe the organization, rights and powers of such districts; to prescribe limitations on such rights and powers; to provide for the levying of certain service charges; to repeal all conflicting statutes and to provide referendums.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Hale	Parsons	
Bedsole	deGraffenried	Hand	Preuitt	
Bennett	Denton	Langford	Rice	
Bishop	Dial	Manley	Sanders	
Cabaniss	Dixon	Menton	Smith (B)	
Campbell	Ellis	Mitchem	Smith (J)	
Corbett	Goodwin			—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Barron, B. I. R., H. B. 631, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Langford
Barron	Dial	Hale	Manley
Bennett	Dixon	Hand	Menton
Bishop	Drinkard	Hilliard	Mitchem
Cabaniss	Ellis	Holmes	Parsons
Campbell	Figures	Horn	Preuitt
deGraffenried	Foshee		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 631. To amend Sections 2, 4, 5, 6 and 7 of Act 79-825, S. 640, 1979 Regular Session (Acts 1979, p. 1557), relating to the Jackson County Department of Public Works and to the county engineer, so as to provide further for the authority of the department and the selection, requirements, functions, powers, privileges, and termination of the county engineer.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Langford
Barron	Dial	Hale	Manley
Bennett	Dixon	Hand	Menton
Bishop	Drinkard	Hilliard	Mitchem
Cabaniss	Ellis	Holmes	Parsons
Campbell	Figures	Horn	Preuitt
deGraffenried	Foshee		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Barron, B. I. R., H. B. 633, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Langford
Barron	Dial	Hale	Manley
Bennett	Dixon	Hand	Menton
Bishop	Drinkard	Hilliard	Mitchem
Cabaniss	Ellis	Holmes	Parsons
Campbell	Figures	Horn	Preuitt
deGraffenried	Foshee		

—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 633. Relating to Jackson County; to amend Act 79-473, S. 639, Regular Session 1979, as amended (Acts 1979, p. 873), so as to allocate further a portion of T.V.A. payments made to Jackson County to the Jackson County Economic Development Authority for a certain time.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Langford	
Barron	Dial	Hale	Manley	
Bennett	Dixon	Hand	Menton	
Bishop	Drinkard	Hilliard	Mitchem	
Cabaniss	Ellis	Holmes	Parsons	
Campbell	Figures	Horn	Preuitt	
deGraffenried	Foshee			—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Barron, B. I. R., H. B. 634, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Langford	
Barron	Dial	Hale	Manley	
Bennett	Dixon	Hand	Menton	
Bishop	Drinkard	Hilliard	Mitchem	
Cabaniss	Ellis	Holmes	Parsons	
Campbell	Figures	Horn	Preuitt	
deGraffenried	Foshee			—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 634. To authorize the Jackson County Commission to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel, as herein defined, and substitutes therefor in such counties not to exceed three cents (3c) per gallon; to provide for the collection and payment of such taxes and to provide the distribution and the use of the funds derived therefrom; to authorize the Jackson County Commission to make reasonable rules and regulations for the collection of such taxes, and to provide for the enforcement of this act and to fix a civil penalty for the violation of any provision of this act and of the rules and regulations prescribed by such county commission for the collection of said taxes.

was read a third time at length and passed.

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Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Langford
Barron	Dial	Hale	Manley
Bennett	Dixon	Hand	Menton
Bishop	Drinkard	Hilliard	Mitchem
Cabaniss	Ellis	Holmes	Parsons
Campbell	Figures	Horn	Preuitt
deGraffenried	Foshee		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., H. B. 669, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Hand
Barron	Corbett	Ellis	Manley
Bedford	Covington	Figures	Rice
Bedsole	deGraffenried	Foshee	Sanders
Bennett	Denton	Goodwin	Smith (B)
Bishop	Dial	Hale	Smith (J)
Cabaniss	Dixon		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 669. To propose an amendment to the Constitution of Alabama of 1901, relating to fire protection districts in Monroe County, so as to provide for the levy and collection of certain additional property tax for fire protection and rescue squads in said county.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Hand
Barron	Corbett	Ellis	Manley
Bedford	Covington	Figures	Rice
Bedsole	deGraffenried	Foshee	Sanders
Bennett	Denton	Goodwin	Smith (B)
Bishop	Dial	Hale	Smith (J)
Cabaniss	Dixon		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., H. B. 730, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Dial	Goodwin	
Amari	Cabaniss	Dixon	Hale	
Bailey	Campbell	Drinkard	Hand	
Barron	Corbett	Ellis	Manley	
Bedford	Covington	Figures	Parsons	
Bedsole	deGraffenried	Foshee	Pruitt	
Bennett	Denton			—25
Nays:				—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 730. Relating to Clarke County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Dial	Goodwin	
Amari	Cabaniss	Dixon	Hale	
Bailey	Campbell	Drinkard	Hand	
Barron	Corbett	Ellis	Manley	
Bedford	Covington	Figures	Parsons	
Bedsole	deGraffenried	Foshee	Pruitt	
Bennett	Denton			—25
Nays:				—0

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., H. B. 731, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Hale	
Bailey	Campbell	Drinkard	Hand	
Barron	Corbett	Ellis	Manley	
Bedford	Covington	Figures	Sanders	
Bedsole	deGraffenried	Foshee	Smith (B)	
Bennett	Denton	Goodwin	Smith (J)	
Bishop	Dial			—25
Nays:				—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 731. To authorize the Washington County Board of Health to designate the services rendered by the County Health Department for which a

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reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Hale	
Bailey	Campbell	Drinkard	Hand	
Barron	Corbett	Ellis	Manley	
Bedford	Covington	Figures	Sanders	
Bedsole	deGraffenried	Foshee	Smith (B)	
Bennett	Denton	Goodwin	Smith (J)	
Bishop	Dial			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., H. B. 735, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Parsons	
Bedsole	deGraffenried	Foshee	Preuitt	
Bennett	Denton	Goodwin	Rice	
Bishop	Dial	Hale	Sanders	
Cabaniss	Dixon	Hand	Smith (B)	
Campbell	Drinkard	Manley	Smith (J)	
Corbett	Ellis			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 735. Relating to Conecuh County, to ratify payments heretofore made to or on behalf of Mr. Willie Lee Powell by the County Commission of Conecuh County; and to relieve all charges relating thereto made by Examiners of Public Accounts.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Parsons	
Bedsole	deGraffenried	Foshee	Preuitt	
Bennett	Denton	Goodwin	Rice	
Bishop	Dial	Hale	Sanders	
Cabaniss	Dixon	Hand	Smith (B)	
Campbell	Drinkard	Manley	Smith (J)	
Corbett	Ellis			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., H. B. 737, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Parsons	
Bedsole	deGraffenried	Foshee	Preuitt	
Bennett	Denton	Goodwin	Rice	
Bishop	Dial	Hale	Sanders	
Cabaniss	Dixon	Hand	Smith (B)	
Campbell	Drinkard	Manley	Smith (J)	
Corbett	Ellis			—25

<i>Nays:</i>				—0
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BILLS ON THIRD READING RESUMED**THE BILL:**

H. 737. To authorize the County Commission of Conecuh County to pay from the general funds of the county the amount of up to \$350.00 per month to Mr. Willie Lee Powell for injuries received during the course of his employment.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Parsons	
Bedsole	deGraffenried	Foshee	Preuitt	
Bennett	Denton	Goodwin	Rice	
Bishop	Dial	Hale	Sanders	
Cabaniss	Dixon	Hand	Smith (B)	
Campbell	Drinkard	Manley	Smith (J)	
Corbett	Ellis			—25

<i>Nays:</i>				—0
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BUDGET ISOLATION RESOLUTION

Senator Drinkard, B. I. R., H. B. 58, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Menton	
Amari	Cabaniss	Goodwin	Mitchem	
Bailey	Campbell	Hale	Parsons	
Barron	Corbett	Hand	Preuitt	
Bedford	Covington	Langford	Rice	
Bedsole	deGraffenried	Manley	Sanders	
Bennett	Denton			—25

<i>Nays:</i>				—0
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BILLS ON THIRD READING RESUMED

THE BILL:

H. 58. Relating to Etowah County, amending Act No. 83-780, S. 501, 1983 Regular Session, which provides for the expense allowance for the constable, so as to increase said expense allowance.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Menton
Amari	Cabaniss	Goodwin	Mitchem
Bailey	Campbell	Hale	Parsons
Barron	Corbett	Hand	Preuitt
Bedford	Covington	Langford	Rice
Bedsole	deGraffenried	Manley	Sanders
Bennett	Denton		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Denton, B. I. R., H. B. 119, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Menton
Bedsole	Drinkard	Hilliard	Mitchem
Bennett	Ellis	Holmes	Parsons
Bishop	Figures	Horn	Preuitt
Cabaniss	Foshee	Langford	Smith (B)
Campbell	Goodwin	Manley	Smith (J)
Corbett	Hale		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 119. Relating to Colbert County; amending Act No. 84-505, H. 885, 1984 Regular Session, which provides for the compensation of members of the Utilities Board of Muscle Shoals, so as to provide further for said compensation and to provide for retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Menton
Bedsole	Drinkard	Hilliard	Mitchem
Bennett	Ellis	Holmes	Parsons
Bishop	Figures	Horn	Preuitt
Cabaniss	Foshee	Langford	Smith (B)
Campbell	Goodwin	Manley	Smith (J)
Corbett	Hale		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Hale, B. I. R., H. B. 128, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Parsons
Amari	deGraffenried	Hale	Preuitt
Bailey	Denton	Langford	Rice
Barron	Dial	Manley	Sanders
Bedford	Dixon	Menton	Smith (B)
Bedsole	Drinkard	Mitchem	Smith (J)
Bennett	Ellis		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 128. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Parsons
Amari	deGraffenried	Hale	Preuitt
Bailey	Denton	Langford	Rice
Barron	Dial	Manley	Sanders
Bedford	Dixon	Menton	Smith (B)
Bedsole	Drinkard	Mitchem	Smith (J)
Bennett	Ellis		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Bishop, B. I. R., H. B. 176, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Hand	Menton
Bishop	Drinkard	Hilliard	Mitchem
Corbett	Ellis	Holmes	Parsons
Covington	Figures	Horn	Preuitt
deGraffenried	Foshee	Langford	Rice
Denton	Goodwin	Manley	Sanders
Dial	Hale		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 176. Relating to Walker County; to authorize the County Board of Health to designate the services rendered by the County Health Department

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for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Hand	Menton
Bishop	Drinkard	Hilliard	Mitchem
Corbett	Ellis	Holmes	Parsons
Covington	Figures	Horn	Preuitt
deGraffenried	Foshee	Langford	Rice
Denton	Goodwin	Manley	Sanders
Dial	Hale		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Dial, B. I. R., H. B. 314, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Parsons
Barron	Corbett	Hale	Preuitt
Bedford	Covington	Hand	Rice
Bedsole	Dial	Manley	Sanders
Bennett	Ellis	Menton	Smith (B)
Bishop	Figures	Mitchem	Smith (J)
Cabaniss	Foshee		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 314. To authorize the Chambers County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Parsons
Barron	Corbett	Hale	Preuitt
Bedford	Covington	Hand	Rice
Bedsole	Dial	Manley	Sanders
Bennett	Ellis	Menton	Smith (B)
Bishop	Figures	Mitchem	Smith (J)
Cabaniss	Foshee		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Dial, B. I. R., H. B. 315, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Parsons	
Barron	Corbett	Hale	Preuitt	
Bedford	Covington	Hand	Rice	
Bedsole	Dial	Manley	Sanders	
Bennett	Ellis	Menton	Smith (B)	
Bishop	Figures	Mitchem	Smith (J)	
Cabaniss	Foshee			—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 315. Relating to Chambers County; to further provide for the per diem of members of the County Board of Equalization and to repeal Act 338 of the 1969 Regular Session as amended.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Parsons	
Barron	Corbett	Hale	Preuitt	
Bedford	Covington	Hand	Rice	
Bedsole	Dial	Manley	Sanders	
Bennett	Ellis	Menton	Smith (B)	
Bishop	Figures	Mitchem	Smith (J)	
Cabaniss	Foshee			—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Dial, B. I. R., H. B. 316, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Mitchem	
Barron	Corbett	Hale	Parsons	
Bedford	Covington	Hand	Preuitt	
Bedsole	Dial	Langford	Rice	
Bennett	Ellis	Manley	Sanders	
Bishop	Figures	Menton	Smith (B)	
Cabaniss	Foshee			—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 316. Relating to Chambers County; providing further for the compensation of members of the board of registrars and repealing Act No. 473, H. 302, 1973 Regular Session.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Mitchem	
Barron	Corbett	Hale	Parsons	
Bedford	Covington	Hand	Preuitt	
Bedsole	Dial	Langford	Rice	
Bennett	Ellis	Manley	Sanders	
Bishop	Figures	Menton	Smith (B)	
Cabaniss	Foshee			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Sanders, B. I. R., S. B. 258, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Langford	
Amari	Cabaniss	Figures	Manley	
Bailey	Campbell	Foshee	Menton	
Barron	Denton	Goodwin	Mitchem	
Bedford	Dial	Hale	Parsons	
Bedsole	Dixon	Hand	Sanders	
Bennett	Drinkard			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 258. To propose an amendment to the Constitution of Alabama 1901 for Wilcox County to provide further for filling vacancies in certain county offices.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Langford	
Amari	Cabaniss	Figures	Manley	
Bailey	Campbell	Foshee	Menton	
Barron	Denton	Goodwin	Mitchem	
Bedford	Dial	Hale	Parsons	
Bedsole	Dixon	Hand	Sanders	
Bennett	Drinkard			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B. I. R., S. B. 555, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Hand	Menton
Bedford	Drinkard	Hilliard	Mitchem
Cabaniss	Ellis	Holmes	Parsons
Campbell	Figures	Horn	Preuitt
Corbett	Foshee	Langford	Rice
deGraffenried	Goodwin	Manley	Sanders
Dial	Hale		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 555. Relating to Fayette County; providing further for the compensation of the judge of probate; repealing conflicting laws.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Hand	Menton
Bedford	Drinkard	Hilliard	Mitchem
Cabaniss	Ellis	Holmes	Parsons
Campbell	Figures	Horn	Preuitt
Corbett	Foshee	Langford	Rice
deGraffenried	Goodwin	Manley	Sanders
Dial	Hale		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Barron, B. I. R., S. B. 593, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hale	Manley
Barron	Dixon	Hand	Menton
Bennett	Drinkard	Hilliard	Mitchem
Bishop	Ellis	Holmes	Parsons
Cabaniss	Figures	Horn	Preuitt
Campbell	Foshee	Langford	Smith (J)
Denton	Goodwin		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 593. To authorize the Jackson County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hale	Manley	
Barron	Dixon	Hand	Menton	
Bennett	Drinkard	Hilliard	Mitchem	
Bishop	Ellis	Holmes	Parsons	
Cabaniss	Figures	Horn	Preuitt	
Campbell	Foshee	Langford	Smith (J)	
Denton	Goodwin			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Ellis, B. I. R., S. B. 566, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hale	Manley	
Amari	Cabaniss	Hand	Menton	
Bailey	Campbell	Hilliard	Mitchem	
Barron	Denton	Holmes	Parsons	
Bedford	Dial	Horn	Smith (B)	
Bedsole	Ellis	Langford	Smith (J)	
Bennett	Goodwin			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 566. Relating to Shelby County; authorizing the county commission to provide for a certain increase in retirement benefits paid to its retired county employees and providing that such increase shall be financed from the county treasury.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hale	Manley
Amari	Cabaniss	Hand	Menton
Bailey	Campbell	Hilliard	Mitchem
Barron	Denton	Holmes	Parsons
Bedford	Dial	Horn	Smith (B)
Bedsole	Ellis	Langford	Smith (J)
Bennett	Goodwin		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Barron, B. I. R., S. B. 606, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Parsons
Barron	Dial	Hale	Preuitt
Cabaniss	Dixon	Hand	Rice
Campbell	Drinkard	Manley	Sanders
Corbett	Ellis	Menton	Smith (B)
Covington	Figures	Mitchem	Smith (J)
deGraffenried	Foshee		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 606. To amend Section 1 of Act No. 80-550, H. 977 of the 1980 Regular Session (Acts 1980, p. 859), allowing the Jackson County Commission to contribute a certain amount of public funds to certain rescue squads in the county, so as to provide further for the limit on such contribution to each rescue squad.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Parsons
Barron	Dial	Hale	Preuitt
Cabaniss	Dixon	Hand	Rice
Campbell	Drinkard	Manley	Sanders
Corbett	Ellis	Menton	Smith (B)
Covington	Figures	Mitchem	Smith (J)
deGraffenried	Foshee		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Dial, B. I. R., S. B. 608, adopted.

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Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hand	Parsons
Amari	Cabaniss	Horn	Preuitt
Bailey	Campbell	Langford	Rice
Barron	Dial	Manley	Sanders
Bedford	Foshee	Menton	Smith (B)
Bedsole	Goodwin	Mitchem	Smith (J)
Bennett	Hale		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 608. Relating to Clay County; directing the county commission, the county board of education and the county hospital to receive the maximum interest available from any banking institution doing business in the county on their funds normally kept on demand deposit and prescribing certain procedures and requirements to insure that such maximum interest is paid on such funds.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hand	Parsons
Amari	Cabaniss	Horn	Preuitt
Bailey	Campbell	Langford	Rice
Barron	Dial	Manley	Sanders
Bedford	Foshee	Menton	Smith (B)
Bedsole	Goodwin	Mitchem	Smith (J)
Bennett	Hale		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Dial, B. I. R., S. B. 609, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hilliard	Mitchem
Amari	Cabaniss	Holmes	Parsons
Bailey	Campbell	Horn	Preuitt
Barron	Dial	Langford	Rice
Bedford	Goodwin	Manley	Sanders
Bedsole	Hale	Menton	Smith (B)
Bennett	Hand		

—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 609. Relating to Clay County; authorizing the county commission to levy an additional ad valorem tax in said county to be used for the Clay County Hospital and Nursing Home and providing for a referendum.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hilliard	Mitchem
Amari	Cabaniss	Holmes	Parsons
Bailey	Campbell	Horn	Preuitt
Barron	Dial	Langford	Rice
Bedford	Goodwin	Manley	Sanders
Bedsole	Hale	Menton	Smith (B)
Bennett	Hand		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Sanders, B. I. R., S. B. 519, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Langford
Bedford	Covington	Hale	Manley
Bedsole	deGraffenried	Hand	Menton
Bennett	Denton	Hilliard	Mitchem
Bishop	Dial	Holmes	Parsons
Cabaniss	Dixon	Horn	Sanders
Campbell	Drinkard		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 519. Relating to Sumter County; to amend Act 87-619 (H. 1082) of the 1987 Regular Session, which provides for a gasoline and motor fuel tax, so as to provide that said tax shall be levied by the county commission and to grant authority for said levy.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Langford
Bedford	Covington	Hale	Manley
Bedsole	deGraffenried	Hand	Menton
Bennett	Denton	Hilliard	Mitchem
Bishop	Dial	Holmes	Parsons
Cabaniss	Dixon	Horn	Sanders
Campbell	Drinkard		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B. I. R., S. B. 473, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Manley
Amari	Covington	Hale	Menton
Barron	deGraffenried	Hilliard	Mitchem
Bennett	Denton	Holmes	Parsons
Bishop	Dial	Horn	Smith (B)
Cabaniss	Dixon	Langford	Smith (J)
Campbell	Drinkard		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 473. Relating to Madison County; providing further for costs and charges in the circuit and district courts of said county in criminal cases, and providing for the distribution of the increased costs.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Manley
Amari	Covington	Hale	Menton
Barron	deGraffenried	Hilliard	Mitchem
Bennett	Denton	Holmes	Parsons
Bishop	Dial	Horn	Smith (B)
Cabaniss	Dixon	Langford	Smith (J)
Campbell	Drinkard		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B. I. R., S. B. 480, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Manley
Amari	Covington	Hale	Menton
Barron	deGraffenried	Hilliard	Mitchem
Bennett	Denton	Holmes	Parsons
Bishop	Dial	Horn	Smith (B)
Cabaniss	Dixon	Langford	Smith (J)
Campbell	Drinkard		

—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 480. Relating to the Twenty-third Judicial Circuit consisting of Madison County; to amend section 3 of Act No. 80-485, H. 859, Regular Session 1980 (Acts 1980, p. 755), providing for the parking of jurors, assessment, collection and use of additional taxes to defray the expense of juror parking, so as to increase the amount of such tax from Two (\$2.00) Dollars to Three (\$3.00) Dollars.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Manley	
Amari	Covington	Hale	Menton	
Barron	deGraffenried	Hilliard	Mitchem	
Bennett	Denton	Holmes	Parsons	
Bishop	Dial	Horn	Smith (B)	
Cabaniss	Dixon	Langford	Smith (J)	
Campbell	Drinkard			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Barron, B. I. R., S. B. 451, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Manley	
Amari	Covington	Hale	Menton	
Barron	deGraffenried	Hilliard	Mitchem	
Bennett	Denton	Holmes	Parsons	
Bishop	Dial	Horn	Smith (B)	
Cabaniss	Dixon	Langford	Smith (J)	
Campbell	Drinkard			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 451. Relating to Jackson County; to provide that public park board members may use public park facilities in lieu of expenses and compensation and to ratify and confirm all such prior use of such facilities in lieu of compensation.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Manley
Amari	Covington	Hale	Menton
Barron	deGraffenried	Hilliard	Mitchem
Bennett	Denton	Holmes	Parsons
Bishop	Dial	Horn	Smith (B)
Cabaniss	Dixon	Langford	Smith (J)
Campbell	Drinkard		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Sanders, B. I. R., S. B. 540, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Hilliard
Bedford	Covington	Figures	Holmes
Bedsole	deGraffenried	Foshee	Horn
Bennett	Denton	Goodwin	Langford
Bishop	Dial	Hale	Manley
Cabaniss	Dixon	Hand	Sanders
Campbell	Drinkard		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 540. Relating to Lowndes County; to amend Act 87-620 (H. 1088) of the 1987 Regular Session, which provides for a gasoline and motor fuel tax, so as to provide that said tax shall be levied by the county commission and to grant authority for said levy.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Hilliard
Bedford	Covington	Figures	Holmes
Bedsole	deGraffenried	Foshee	Horn
Bennett	Denton	Goodwin	Langford
Bishop	Dial	Hale	Manley
Cabaniss	Dixon	Hand	Sanders
Campbell	Drinkard		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Sanders, B. I. R., S. B. 259, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Hilliard
Bedford	Covington	Figures	Holmes
Bedsole	deGraffenried	Foshee	Horn
Bennett	Denton	Goodwin	Langford
Bishop	Dial	Hale	Manley
Cabaniss	Dixon	Hand	Sanders
Campbell	Drinkard		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 259. To propose an amendment to the Constitution of Alabama 1901 for Lowndes County to provide further for filling vacancies in certain county offices.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Hilliard
Bedford	Covington	Figures	Holmes
Bedsole	deGraffenried	Foshee	Horn
Bennett	Denton	Goodwin	Langford
Bishop	Dial	Hale	Manley
Cabaniss	Dixon	Hand	Sanders
Campbell	Drinkard		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Sanders, B. I. R., H. B. 623, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Holmes
Bedsole	deGraffenried	Foshee	Horn
Bennett	Denton	Goodwin	Langford
Bishop	Dial	Hale	Manley
Cabaniss	Dixon	Hand	Menton
Campbell	Drinkard	Hilliard	Sanders
Corbett	Ellis		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 623. Relating to Greene County; providing that the Greene County legislative delegation shall be provided a legislative delegation office, personnel

and supplies by the the Greene County Commission; providing that such office and supplies shall be a shared legislative delegation office with the Sumter County delegation; providing that the Greene County Commission shall pay forty percent (40%) of the overhead, salaries and operational costs of such delegation office in Sumter County from the Greene County funds.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Figures	Holmes
Bedsole	deGraffenried	Foshee	Horn
Bennett	Denton	Goodwin	Langford
Bishop	Dial	Hale	Manley
Cabaniss	Dixon	Hand	Menton
Campbell	Drinkard	Hilliard	Sanders
Corbett	Ellis		

—25

Nays: —0

BILL POSTPONED

Senator Figures requested and received permission to suspend the Rules in order to bring up the Bill:

S. 402. To create an additional circuit judgeship in the Thirteenth Judicial Circuit and provide certain appropriations.

On motion of Senator Figures, further consideration of the Bill was postponed subject to the call of the Chair.

RESOLUTIONS

Senators Dial, Bailey, and Hand requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 158. DIRECTING THE STATE BOARD OF EDUCATION TO REQUIRE MINIMUM ACADEMIC STANDARDS FOR STUDENT PARTICIPATION IN SCHOOL-SPONSORED EXTRACURRICULAR ACTIVITIES.

WHEREAS, the primary charge of the state's educational system is to assure that our students are well-grounded and proficient in the basic knowledge and skills that will enable them to function as useful citizens who have been adequately prepared for the responsibilities of adulthood; and

WHEREAS, we also recognize that school-sponsored extracurricular activities play an important role in a student's life through the development of character and the ability to relate with others and through the promotion of school spirit and enthusiasm, among other desirable attributes; and

WHEREAS, extracurricular activities within the schools, however, are secondary in consequence to our responsibility to provide a sound and basic education for each and every child in the State of Alabama, and the eligibility for participation in such activities should be conditional on a student's achievement of minimum academic requirements; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby direct the State Board of Education to implement a policy and to establish guidelines requiring that certain academic standards be met and maintained in order for a student to be eligible to participate in school-sponsored extracurricular activities, and that such a policy be in full force and effect prior to the beginning of the 1988-1989 school year.

BE IT FURTHER RESOLVED, That the State Board of Education be advised, by copy of this resolution, of this directive of the Legislature.

Which was read and referred to the Standing Committee on Rules.

Senator Corbett requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 159. CONGRATULATING COACH MARIO CUMBERLANDER AND THE CHAVALA HIGH SCHOOL WILDCATS ON THEIR CHAMPIONSHIP BASKETBALL SEASON.

WHEREAS, the Legislature of Alabama, in highest commendation, congratulates Coach Mario Cumberlander and the 1988 Chavala High School Wildcats as Class 5A Regional Champions and on their participation in the Semifinals of the AHSAA State Play-offs; and

WHEREAS, under the talented direction and leadership of Coach Cumberlander and Assistant Coach Carl Williams, the Wildcats also finished the season with a fantastic 28-7 overall record; and

WHEREAS, the Chavala Regional Champions, each of whom greatly contributed to the accomplishments of the Wildcats' 1988 season, are Chanucey Blanding, James Matthews, Steve Feagius, Scotty Long, Mark Elias, Ronnie Battle, Joe Benton, Stanley Gordon, Timothy Brooks, Jeff Jackson, Juan Walton and Milton Porter, along with team manager David Jones and statistician William Sanders; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of their many outstanding accomplishments of the 1988 basketball season, we hereby most highly commend Coach Cumberlander, Coach Williams and the Chavala High School Wildcats, and do further direct that copies of this resolution be forwarded to Principal Lloyd Frey and Superintendent William Siniard for appropriate presentation and school display.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

RECESS

At 3:20 P.M., on motion of Senator Drinkard, the Senate took a recess subject to the call of the Chair.

At 4:10 P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

FURTHER CONSIDERATION OF S. B. 402

The Senate proceeded to further consideration of the Bill, S. B. 402.

BUDGET ISOLATION RESOLUTION

Senator Figures, B. I. R., S. B. 402, adopted.

Yeas 22; Nays 1.

Yeas:

Senators:	Covington	Figures	Horn
Bedsole	deGraffenried	Foshee	Manley
Bennett	Denton	Goodwin	Preuitt
Bishop	Dixon	Hale	Sanders
Cabaniss	Drinkard	Hand	Smith (J)
Campbell	Ellis	Holmes	

—22

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 402. To create an additional circuit judgeship in the Thirteenth Judicial Circuit and provide certain appropriations.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford
Amari	Corbett	Foshee	Manley
Bailey	deGraffenried	Goodwin	Preuitt
Bedsole	Denton	Hale	Rice
Bennett	Dixon	Hand	Sanders
Bishop	Drinkard	Hilliard	Smith (J)
Cabaniss	Ellis	Horn	

—26

Nays: —0

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 386. To amend section 27-3-27, Code of Alabama 1975, relating to licensing of insurance agents, solicitors or brokers of insurance by insurers, so as to establish requirements and standards for continuing education programs for such persons in Alabama and to provide certain exceptions.

BILL DRINKARD,
Chairperson.

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate

Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 151. REQUESTING DIRECTION FROM THE GOVERNOR CONCERNING THE GENERAL FUND BUDGET OF THIS STATE.

Senator Bishop offered the following substitute for the Resolution, S. J. R. 151, to-wit:

SUBSTITUTE FOR S. J. R. 151

S. J. R. 151. REQUESTING DIRECTION FROM THE GOVERNOR CONCERNING THE GENERAL FUND BUDGET OF THIS STATE.

WHEREAS a recent decision of the Alabama Supreme Court has resulted in a General Fund deficit of from sixty to one hundred million dollars excluding any amounts necessary to fund needed state employee pay raises; and

WHEREAS the Constitution of Alabama of 1901, Section 70 requires that the Governor in conjunction with other constitutional officers shall "prepare a general revenue bill to be submitted to the legislature"; and

WHEREAS Section 41-4-89, Code of Alabama, 1975 provides in part that "The governor shall transmit to the legislature supplemental estimates for such appropriations as in his judgment may be necessary on account of laws enacted after the transmission of the budget, or as he deems otherwise in the public interest . . . Whenever such supplemental estimates amount to an aggregate which, if they had been contained in the budget would have required the governor to make a recommendation for the raising of additional revenue, he shall make such recommendation."

WHEREAS Governor Guy Hunt has indicated that he vigorously opposes seeking any legislation to provide new revenue for the General Fund; and

WHEREAS the Legislature has a constitutional duty to appropriate funds based on budget recommendations and revenue bill proposals of the governor; and

WHEREAS the legislature finds that a fiscal crisis now exists in this state. Now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, THAT Governor Guy Hunt is hereby requested to fulfill his constitutional duty to the citizens of this state by submitting to these respective bodies budget proposals and his "recommendation for the raising of additional revenue" as is required under the laws of Alabama.

BE IT FURTHER RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING THAT Governor Guy Hunt is hereby petitioned to comply with the foregoing request no later than the 23rd Legislative day of this Session of the Alabama Legislature in order that these respective bodies may meet their constitutional duty to enact a responsible General Fund appropriations bill.

Which was adopted.

On motion of Senator Bishop, the Senate reconsidered the vote by which his substitute for the Resolution, S. J. R. 151, was adopted.

And on motion of Senator Bishop, his substitute was laid on the table.

Senator Dixon offered the following amendment to the Resolution, S. J. R. 151, to-wit:

AMENDMENT TO S. J. R. 151

Amend S. J. R. 151 Page 2 Line 35, by striking out ethical & moral after the word Constitutional.

Which was adopted.

Senator Amari offered the following amendment to the Resolution, S. J. R. 151, as amended, to-wit:

AMENDMENT TO S. J. R. 151, AS AMENDED

Amend S. J. R. No. 151 Page 2 Line 6, by inserting after the word "his" the following:

"recommendation for the reduction of services provided by the various departments and agencies or his"

Which was adopted.

And on motion of Senator Bishop, the Resolution, S. J. R. 151, as thus amended, was re-committed to the Standing Committee on Rules.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 160. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That pursuant to Rule 9, of the Senate rules, the regular order of business is hereby set aside and the following order of business shall be the paramount and continuing order of business taking precedence over all other matters for the nineteenth legislative day of the 1988 Regular Session only:

Inst Id	Page
H. 823	104
Alabama Board of Nursing, appropriation.	
H. 834	97
Alabama Academy of Honor, approp.	
H. 839	100
Department of Education, approp.	
H. 837	98
Examiners of Public Accounts, approp.	
H. 829	100
State Building Commission, approp.	

H. 824	99
Alabama Department of Economic and Community Affairs, approp.	
S. 586	78
Economics and Community Affairs Department, appropriation	
H. 825	104
Department of Public Health, approp.	
S. 583	76
Health Dept., appropriation.	
H. 826	101
Department of Youth Services, approp.	
S. 587	78
Youth Services Department, appropriation.	
H. 827	102
Commission on Physical Fitness, approp.	
H. 828	98
Alabama Small Business Development Consortium, approp.	
H. 830	103
Department of Finance for the Telephone Revolving Fund, approp.	
H. 831	99
Legislature, approp.	
H. 832	103
Alabama Firefighters' personnel Standards and Education Commission, approp.	
H. 833	105
Office of Prosecution Services, approp.	
H. 835	102
Alabama Law Institute, approp.	
H. 836	99
Alabama State Council on the Arts and Humanities, approp.	
H. 838	101
Space Science Exhibit Commission, approp.	
S. 573	72
Education Department, appropriation.	

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H. 840 105

Alabama Public Library Service, approp.

H. 841 106

Department of Mental Health and Mental Retardation, approp.

Senator Goodwin offered the following substitute No. 1 for the Resolution, S. R. 160, to-wit:

SUBSTITUTE NO. 1 FOR S. R. 160

S. R. 160. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That pursuant to Rule 9, of the Senate rules, the regular order of business is hereby set aside and the following order of business shall be the paramount and continuing order of business taking precedence over all other matters for the nineteenth legislative day of the 1988 Regular Session only:

Inst Id	Page
S. 465	67
H. 823	104
Alabama Board of Nursing, appropriation.	
H. 834	97
Alabama Academy of Honor, approp.	
H. 839	100
Department of Education, approp.	
H. 837	98
Examiners of Public Accounts, approp.	
H. 829	100
State Building Commission, approp.	
H. 824	99
Alabama Department of Economic and Community Affairs, approp.	
S. 586	78
Economics and Community Affairs Department, appropriation	
H. 825	104
Department of Public Health, approp.	
S. 583	76
Health Dept., appropriation.	
H. 826	101
Department of Youth Services, approp.	

S. 587	78
Youth Services Department, appropriation.	
H. 827	102
Commission on Physical Fitness, approp.	
H. 828	98
Alabama Small Business Development Consortium, approp.	
H. 830	103
Department of Finance for the Telephone Revolving Fund, approp.	
H. 831	99
Legislature, approp.	
H. 832	103
Alabama Firefighters' personnel Standards and Education Commission, approp.	
H. 833	105
Office of Prosecution Services, approp.	
H. 835	102
Alabama Law Institute, approp.	
H. 836	99
Alabama State Council on the Arts and Humanities, approp.	
H. 838	101
Space Science Exhibit Commission, approp.	
S. 573	72
Education Department, appropriation.	
H. 840	105
Alabama Public Library Service, approp.	
H. 841	106
Department of Mental Health and Mental Retardation, approp.	
Which was lost.	

Senator Goodwin then offered the following substitute No. 2 for the Resolution, S. R. 160, to-wit:

SUBSTITUTE NO. 2 FOR S. R. 160

S. R. 160. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That pursuant to Rule 9, of the Senate rules, the regular order of business is hereby set aside and the following order of business shall be the paramount and continuing order of business

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taking precedence over all other matters for the nineteenth legislative day of the 1988 Regular Session only:

Inst Id	Page
H. 823	104
Alabama Board of Nursing, appropriation.	
S. 465	67
H. 834	97
Alabama Academy of Honor, approp.	
H. 839	100
Department of Education, approp.	
H. 837	98
Examiners of Public Accounts, approp.	
H. 829	100
State Building Commission, approp.	
H. 824	99
Alabama Department of Economic and Community Affairs, approp.	
S. 586	78
Economics and Community Affairs Department, appropriation	
H. 825	104
Department of Public Health, approp.	
S. 583	76
Health Dept., appropriation.	
H. 826	101
Department of Youth Services, approp.	
S. 587	78
Youth Services Department, appropriation.	
H. 827	102
Commission on Physical Fitness, approp.	
H. 828	98
Alabama Small Business Development Consortium, approp.	
H. 830	103
Department of Finance for the Telephone Revolving Fund, approp.	
H. 831	99
Legislature, approp.	

H. 832	103
Alabama Firefighters' personnel Standards and Education Commission, approp.	
H. 833	105
Office of Prosecution Services, approp.	
H. 835	102
Alabama Law Institute, approp.	
H. 836	99
Alabama State Council on the Arts and Humanities, approp.	
H. 838	101
Space Science Exhibit Commission, approp.	
S. 573	72
Education Department, appropriation.	
H. 840	105
Alabama Public Library Service, approp.	
H. 841	106
Department of Mental Health and Mental Retardation, approp.	
Which was adopted.	

And on motion of Senator Drinkard, said Resolution, S. R. 160, as thus amended by the substitute, was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 823, adopted.

Yeas 25; Nays 1.

Yeas:

Senators:	deGraffenried	Foshee	Manley
Bailey	Denton	Goodwin	Mitchem
Barron	Dial	Hand	Preuitt
Bennett	Dixon	Hilliard	Rice
Cabaniss	Drinkard	Holmes	Smith (B)
Campbell	Ellis	Horn	Smith (J)
Covington	Figures		

—25

Nay: Senator Amari

—1

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the second special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 823. To make an appropriation to the Alabama Board of Nursing for the fiscal year ending September 30, 1988; and to require the repayment

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of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

And said Bill, H. B. 823, was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley
Amari	deGraffenried	Goodwin	Mitchem
Bailey	Denton	Hale	Preuitt
Barron	Dial	Hand	Rice
Bennett	Dixon	Holmes	Sanders
Bishop	Drinkard	Horn	Smith (B)
Cabaniss	Ellis	Langford	Smith (J)
Campbell	Figures		

—29

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., S. B. 465, adopted.

Yeas 28; Nays 1.

Yeas:

Senators:	deGraffenried	Foshee	Langford
Bailey	Denton	Goodwin	Manley
Barron	Dial	Hale	Mitchem
Bedsole	Dixon	Hand	Preuitt
Bennett	Drinkard	Hilliard	Rice
Bishop	Ellis	Holmes	Smith (B)
Cabaniss	Figures	Horn	Smith (J)
Campbell			

—28

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 465. To add to the powers of the State Industrial Development Authority by amending existing statutes governing the State Industrial Development Authority at Sections 41-10-20, 41-10-26, and 41-20-27, so as to authorize grants for infrastructures, to provide for matching grants and to permit contributions toward such grants, to permit adoption of guidelines for grants, and to set limits and conditions for the issuance of bonds; to make legislative findings with respect to the need for additional powers of the State Industrial Development Authority; to provide definitions of certain terms; to grant additional powers to the Authority, including the power to issue notes, bonds and other forms of obligations for the purpose of financing industrial and commercial projects; to provide for the source of payment and security for such obligations; to provide for the means of execution of such obligations and for general provisions respecting the form, interest rate, maturity, sale and negotiability of such obligations; to declare that obligations of the Authority shall be legal investments; to provide for the use and disposition of the proceeds from the sale of obligations of the Authority and

the revenues and receipts derived from project financings; to permit the issuance of refunding obligations; to provide for the publication of notice for the purpose of validating obligations of the Authority; to provide that the Authority, all income and property of the Authority and obligations issued by the Authority shall be exempt from taxation in the State of Alabama; to provide for exemptions from the usury and interest laws and the competitive bid laws of the State of Alabama; to provide that the Authority shall be free from the supervision and control of the State, except that the Authority shall be subject to audit by the Examiners of Public Accounts; to provide that the earnings of the Authority shall not inure to the benefit of any individual, firm or corporation; to expand further the powers of the Authority by providing for a method of allocating the "state ceiling" and authorizing the Authority to provide for the method of filing applications for allocations of a portion of the "State ceiling" made by the Authority applicable to tax-exempt bonds; to establish expiration and reversion dates for allocations of "State ceiling" and conditions subsequent to such allocations; to allocate the entire "State ceiling" to the State, subject to redistribution by the Authority; to reserve certain portions of the "State ceiling" for the use and benefit of Alabama Housing Finance Authority and Alabama Higher Education Loan Corporation; to provide for the allocation of portions of the "State ceiling" to issuers of small issue bonds for manufacturing facilities and for exempt facility bonds and for the allocation of a portion of the "State ceiling" at the discretion of the Authority; to impose certain limitations upon allocations made by the Authority to local issuers of affected bonds; to provide a procedure for carryforward allocations; and to designate the President of the Authority as the State official authorized to make certain certifications required under the Internal Revenue Code of 1986, as amended.

was taken up.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, S. B. 465, to-wit:

SUBSTITUTE FOR S. B. 465

A BILL TO BE ENTITLED AN ACT

To add to the powers of the State Industrial Development Authority by amending existing statutes governing the State Industrial Development Authority at Sections 41-10-20, 41-10-26, and 41-10-27, Code of Alabama 1975, so as to authorize grants for infrastructures; to provide for matching grants and to permit contributions toward such grants; to permit adoption of guidelines for grants, and to set limits and conditions for the issuance of bonds; and to make legislative findings with respect to the need for additional powers of the State Industrial Development Authority; to provide definitions of certain terms; to grant additional powers to the Authority, including the power to issue notes, bonds and other forms of obligations for the purpose of financing industrial and commercial projects; to provide for the source of payment and security for such obligations; to provide for the means of execution of such obligations and for general provisions respecting the form, interest rate, maturity, sale and negotiability of such obligations; to declare that obligations of the Authority shall be legal investments; to provide for the use and disposition of the proceeds from the sale of obligations of the Authority and the revenues and receipts derived from project financings; to

permit the issuance of refunding obligations; to provide for the publication of notice for the purpose of validating obligations of the Authority; to provide that the Authority, all income and property of the Authority and obligations issued by the Authority shall be exempt from taxation in the State of Alabama; to provide for exemptions from the usury and interest laws and the competitive bid laws of the State of Alabama; to provide that the Authority shall be free from the supervision and control of the state, except that the Authority shall be subject to audit by the Examiners of Public Accounts; to provide that the earnings of the Authority shall not inure to the benefit of any individual, firm or corporation; to expand further the powers of the Authority by providing for a method of allocating the "state ceiling" and authorizing the Authority to provide for the method of filing applications for allocations of a portion of the "state ceiling" made by the Authority applicable to tax-exempt bonds; to establish expiration and reversion dates for allocations of "state ceiling" and conditions subsequent to such allocations; to allocate the entire "state ceiling" to the state, subject to redistribution by the Authority; to reserve certain portions of the "state ceiling" for the use and benefit of Alabama Housing Finance Authority and Alabama Higher Education Loan Corporation; to provide for the allocation of portions of the "state ceiling" to issuers of small issue bonds for manufacturing facilities and for exempt facility bonds and for the allocation of a portion of the "state ceiling" at the discretion of the Authority; to impose certain limitations upon allocations made by the Authority to local issuers of affected bonds; to provide a procedure for carryforward allocations; and to designate the President of the Authority as the state official authorized to make certain certifications required under the Internal Revenue Code of 1986, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 41-10-20, Code of Alabama 1975, is hereby amended to read as follows:

"§ 41-10-20.

"When used in this article, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

"(1) **AUTHORITY.** The public corporation organized pursuant to the provisions of this article.

"(2) **BOARD OF DIRECTORS.** The board of directors of the authority.

"(3) **BONDS.** The bonds issued under the provisions of this article.

"(4) **GRANTEE.** A county, municipality or local industrial development board organized as a public corporation in this state, or an airport authority organized as a public corporation in this state pursuant to chapter 3 of Title 4, or whether created by general, special or local laws, or general acts of local application, if such authority governs an airport operated by a county and at least one municipality therein jointly, to which a grant of money is made as provided in section 41-10-26.

"(5) **INDUSTRIAL SITES.** Land owned by a grantee or potential grantee on which industrial facilities have been or will be constructed for sale or lease to an individual, private association or private corporation.

"(6) **NOMINAL TRANSFEREE.** Any person to whom a grantee transfers one or more industrial sites or any part of any thereof for less than

fair market value and any person who derives title to such industrial sites or any part of any thereof through such a transferee.

“(7) PERSON. Unless limited to a natural person by the context in which it is used, such term includes a private firm, a private association, a public or private corporation, a municipality, a county or an agency, department or instrumentality of the state or of a county or municipality.

“(8) PREPARATION OF INDUSTRIAL SITES. The grading and draining of industrial sites and the means of access thereto.

“(9) STATE. The state of Alabama.

“(10) INFRASTRUCTURES. Access roads, rail spurs, and extensions of water, sewer and gas lines to serve industrial sites.”

Section 2. Section 41-10-26, Code of Alabama 1975, is hereby amended to read as follows:

“§ 41-10-26.

“The authority shall have the following powers:

“(1) To have succession by its corporate name until dissolved as provided in this article;

“(2) To institute and defend legal proceedings in any court of competent jurisdiction and proper venue; provided, that the authority may not be sued in any trial court other than the courts of the county in which is located the principal office of the authority; provided further, that the officers, directors, agents and employees of the authority may not be sued for actions in behalf of the authority in any trial court other than the courts of the county in which is located the principal office of the authority;

“(3) To have and to use a corporate seal and to alter the seal at pleasure;

“(4) To establish a fiscal year;

“(5) To anticipate by the issuance of its bonds the receipt of the revenues appropriated and pledged in this article;

“(6) To pledge the proceeds of the appropriations and pledges provided for in this article as security for the payment of the principal of and interest on its bonds;

“(7) To make surveys to determine suitable locations in the state for prospective industries;

“(8) To make surveys to determine the availability of labor in various parts of the state and to classify such labor in terms of skills and educational levels;

“(9) To assist counties, municipalities, local industrial development boards organized as public corporations in the state, or airport authorities organized as public corporations in this state pursuant to chapter 3 of Title 4, or whether created by general, special or local law, or general acts of local application, if such authority governs an airport operated by a county and at least one municipality therein jointly, in the survey and analysis of their industrial resources and needs;

“(10) To make grants of money to counties, municipalities and local industrial development boards organized as public corporations in the state,

or airport authorities organized as public corporations in this state pursuant to chapter 3 of Title 4, or whether created by general, special or local law, or general acts of local application if such authority governs an airport operated by a county and at least one municipality therein jointly, for the purposes and subject to the terms and conditions set forth in section 41-10-27;

“(11) To appoint and employ such attorneys and agents as the authority may require for the carrying out of its corporate purposes and the exercise of the foregoing powers;

“(12) To make grants of money to grantees for infrastructures on a matching basis with a ratio requiring the grantee to provide at least 20% of the funds in cash or in ‘in kind’ contribution. Said matching requirement may be waived in whole or in part by the Authority, in its absolute discretion, in cases of hardship or for just cause upon justification based on economic impact, clear public good, and inability of the grantee to provide such matching funds; and

“(13) To adopt in its discretion guidelines and standards for all grants.”
Section 3. Section 41-10-27, Code of Alabama 1975, is hereby amended to read as follows:

“§ 41-10-27.

“(a) The authority is hereby authorized from time to time to sell and issue its bonds, ~~not exceeding \$2,600,000.00 in aggregate principal amount,~~ for the purpose of making the grants of money authorized in section 41-10-26; provided, however, that at the time of issuance of any such bonds, the aggregate annual debt service for such bonds and for all other outstanding bonds of the authority issued for the purpose of making grants authorized by section 41-10-26, shall not exceed 75% of the portion of the proceeds of the tax pledged for the payment of such bonds in section 41-10-30, based upon the collections of such tax during the most recent fiscal year of the state prior to the issuance of such bonds. The grantees may use the said grants authorized in the said section for the following purposes:

“(1) The making of surveys to determine the location of suitable industrial sites in the locality of the grantee;

“(2) The making of surveys to determine the availability of labor in the locality of the grantee and to classify such labor in terms of skills and educational level;

“(3) The preparation of industrial sites and the building or improvement of infrastructures; or

“(4) Any combination of any of the foregoing which the grantees consider appropriate and necessary for the promotion of industrial development in their respective localities.

“(b) Every grant of money made by the authority pursuant to section 41-10-26 shall be made subject to the following terms and conditions, which are hereby declared to be legally enforceable in any court of competent jurisdiction:

“(1) No part of any such grant or grants shall be used with respect to the preparation of any industrial sites or any infrastructure in excess of the greater of \$2,000,000 or one and one-half percent of the amount that it is anticipated will be spent for the construction and equipment of the facilities

that will occupy the said industrial sites as such anticipated amount shall be certified to the authority by the architect or engineer for the facilities to be constructed and equipped or by the chief executive officer of the grantee;

“(2) No part of any such grant or grants shall be used with respect to the preparation of any industrial sites or any infrastructure in any case where any individual, private association or private corporation has received or is to receive an option to purchase such industrial sites or any part of any thereof from the grantee or any nominal transferee of the grantee for less than the fair market value of such industrial sites and infrastructures therefor;

“(3) The authority shall have power to audit the disbursements by the grantee from such grant or grants; and

“(4) Any other appropriate terms and conditions to facilitate the enforcement of the foregoing provisions of this subsection.”

Section 4. Legislative Intent With Respect to Additional Powers of the Authority.

The Legislature has found and determined that the economic well-being of the citizens of the State of Alabama will be enhanced by continued and increased industrial and commercial development of the state's resources. The Legislature has further found and determined that recent changes in the federal income tax treatment of interest on obligations issued by or on behalf of states and their political subdivisions have hindered the ability of local issuers of such obligations in the State of Alabama to achieve the goals of industrial and commercial development. It is the intention of the Legislature, by the adoption of this act, to authorize the State Industrial Development Authority to establish one or more programs of financing for industrial and commercial enterprises in the State of Alabama to serve as a complement to the means of financing currently provided by private financial institutions and by various public corporations. The Legislature intends that the powers herein granted to the Authority shall be in addition to those which it already possesses.

The provisions of Sections 4 through 15 of this act shall be liberally construed in conformity with intentions of the Legislature expressed in this section.

Section 5. Additional Definitions. In addition to the definitions contained in Section 41-10-20, Code of Alabama 1975, the following terms shall have the following meanings, respectively, when used in Sections 4 through 15 of this act, unless the context clearly requires otherwise:

(1) PROJECT.

a. Any land, building, machinery, equipment or other improvement, and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be located in the state and shall be suitable for use by the following or by any combination of two or more thereof:

1. Any industry for the manufacturing, extraction, processing or assembling of any agricultural, manufactured or mineral products;

2. Any commercial enterprise in storing, warehousing, or distributing any products of agriculture, mining, or industry;

3. Any enterprise for the purpose of research in connection with:

- (i) Any of the foregoing;
- (ii) The development of new products or new processes;
- (iii) The improvement of existing products or known processes; or
- (iv) The development of facilities for the exploration of outer space or promotion of the national defense; and

4. Any industrial or commercial enterprise for the production or distribution of electricity, gas, water, telephone or other communication services; and

b. Any facility necessary or appropriate for use by any industry or enterprise of the character described in paragraph a. above, including, without limiting the generality of the foregoing:

1. Office facilities designed for use by any such industry or enterprise not only in connection with its operation in the state, but also for use by it as national, regional or divisional offices in the management and supervision of its manufacturing, extracting, processing, assembling, storing, warehousing, distributing, or research operations, wherever located; and

2. Facilities for or useful in the control, reduction, abatement or prevention of air, noise, water or general environmental pollution including, without limitation, any air pollution control facility, noise abatement or reduction facility, water management facility, water purification facility, waste water collection facility, waste water treatment facility or solid waste disposal facility.

(2) **PROJECT OBLIGATION.** Any bond, note, debenture, certificate, **grant or revenue anticipation note, participation or other form of indebtedness** issued by the Authority pursuant to Sections 4 through 15 of this act.

Section 6. Additional Powers of Authority. In addition to the powers granted to it in Section 41-10-26, Code of Alabama 1975, the Authority shall have the following powers:

(1) To adopt and alter bylaws for the regulation and conduct of its affairs and business;

(2) To borrow money and to issue Project Obligations, whether or not the interest thereon is excluded from gross income for federal income tax purposes, and to provide for the rights of the purchasers or holders thereof; provided, however, that all Project Obligations issued hereunder shall be rated in one of the three highest ratings categories by Moody's Investors Service, Inc., or Standard and Poor's Corporation, or any other or successor national rating agency;

(3) To execute and deliver mortgages, security agreements and trust indentures for the purpose of securing its Project Obligations, and in connection therewith, to mortgage, pledge or assign the revenues, receipts and other property of the Authority received, and the contracts and agreements entered into by the Authority in connection with, the financing of Projects under Sections 4 through 15 of this act;

(4) To issue Project Obligations to provide financing for a particular project authorized in Sections 4 through 15 of this act or to provide a

program for financing of projects herein authorized on a pooled or consolidated basis;

(5) To purchase promissory notes, mortgages, security interests or participations in promissory notes evidencing loans executed to provide financing for projects and to enter into contracts and agreements in that regard;

(6) To make loans to any person, corporation, partnership or other entity for the costs of planning, designing, financing, acquiring, constructing, reconstructing, improving, equipping and furnishing any project or any portion thereof, which loans may be evidenced or secured by loan agreements, notes, mortgages, security agreements, assignments, letters of credit, guaranties, surety bonds, insurance policies or such other instruments, or upon such terms and conditions as the Board of Directors shall determine to be reasonable. In entering into any such loan or other agreement, the Authority shall have the right and power to require the inclusion therein of such provisions or requirements for guaranties of obligations, insurance, construction, use, operation, maintenance, management and financing of a project, and such other terms and conditions, as the Authority may deem desirable and appropriate;

(7) To arrange for various forms of security or credit enhancement for its Project Obligations including letters of credit, guaranties, policies of insurance, surety bonds and the like;

(8) To sell mortgages and security interests at public or private sale, to negotiate modifications or alterations in mortgage and security interests, to foreclose on any mortgage or security interest in default or commence any action to protect or enforce any right conferred upon it by any law, mortgage, security agreement, contract, or other agreement, and to bid for and purchase property which was the subject of such mortgage or security interest at any foreclosure or at any other sale, to acquire or take possession of any such property, and to exercise any and all rights as provided by law for the benefit or protection of the Authority or the holders of Project Obligations;

(9) To collect fees and charges in connection with its loans, Project Obligations, commitments and loan servicing, including, but not limited to, reimbursement of costs of financing, as the Authority shall determine to be reasonable and as shall be approved by the Authority;

(10) To make and execute contracts for the servicing of loans made by the Authority and mortgages acquired by the Authority and to pay the reasonable value of services rendered to the Authority pursuant to those contracts;

(11) To accept gifts, grants, loans, appropriations and other aid from the federal government, the state or any state agency, or any political subdivision of the state, or any person or corporation, foundation, or legal entity, and to agree to and comply with any conditions attached to federal and state financial assistance not inconsistent with the provisions of Sections 4 through 15 of this act;

(12) To invest moneys of the Authority not required for immediate use, including proceeds from the sale of any Project Obligations, in such manner as the Board of Directors shall determine, any other provision of law to the contrary notwithstanding;

(13) To establish accounts in one or more depositories;

(14) To appoint, employ, contract with and provide for the compensation of, such employees and agents, including engineers, attorneys, contractors, consultants, accountants, fiscal advisors, investment bankers and underwriters as the Board of Directors shall deem necessary or desirable for the conduct of the business of the Authority;

(15) To make, enter into and execute such contracts, agreements or other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which the Authority was organized or to exercise any power granted to it;

(16) To exercise any power granted by the laws of the state to public or private corporations which is not in conflict with the public purpose of this act; and

(17) To administer the allocation of the state ceiling for private activity bonds under Section 146 of the Internal Revenue Code of 1986, as amended.

Section 7. Project Obligations Generally.

(a) Issuance of Project Obligations. The Authority is authorized and empowered to issue its Project Obligations from time to time to provide financing for a particular project or on a pooled or consolidated basis for a series of related or unrelated projects, in such aggregate principal amount as the Board of Directors shall determine to be necessary to provide for the costs of the project or projects being financed and to pay the expenses of issuing the Project Obligations. Nothing herein contained shall be construed to require the Authority to identify the particular projects to be financed prior to the issuance of Project Obligations on a pooled or consolidated basis.

(b) Source of Payment. All Project Obligations issued by the Authority shall be limited obligations of the Authority payable solely from the revenues and receipts of the Authority derived from loans **made from the proceeds of such Project Obligations**, from incomes realized by the Authority under any mortgage or other security granted to the Authority, from amounts derived from any letter of credit, insurance policy or other form of credit enhancement applicable to the Project Obligations or the loans made from the proceeds thereof, from any reserve or other fund established for such purpose by the Authority and from earnings on the proceeds of Project Obligations invested by the Authority pending their disbursement. Project Obligations shall not be general obligations of the Authority, shall not be payable from any portion of the tax receipts pledged and appropriated to the Authority for payment of bonds issued under Article 2 of Chapter 10 of Title 41, Code of Alabama 1975, and shall not create a debt or obligation of the state.

(c) Pledge of revenues, receipts and other security. The principal of, premium, if any, and interest on any Project Obligations issued by the Authority shall be secured by a pledge of the revenues, receipts and other property out of which the same may be payable and may be secured by a mortgage and deed of trust or trust indenture conveying as security for such bonds all or any part of the property of the Authority from which the revenues or receipts so pledged may be derived.

The resolution of the Board of Directors under which the Project Obligations are authorized to be issued and any such mortgage and deed of trust or trust indenture may contain any agreements and provisions respecting the collection and disposition of the revenues and receipts subject to such mortgage and deed of trust or trust indenture, the creation and maintenance

of special funds from such revenues and receipts, the rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made and the rights and remedies available in the event of default, all as the Board of Directors shall deem advisable. Any pledge made with respect to Project Obligations shall be valid and binding from the time such pledge is made; the revenues, receipts and other property so pledged shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act; and the lien of such pledge shall be valid and binding as against all parties having claims of any kind against the Authority irrespective of whether such parties have notice thereof. Neither the resolution of the Board of Directors authorizing the Project Obligations nor any other instrument by which such pledge is created need be recorded. Nonetheless, the Authority may elect to have the provisions of the Alabama Uniform Commercial Code apply to any pledge made by or to the Authority to secure its Project Obligations by filing a financing statement or statements with respect to the security interest created by such pledge, notwithstanding the exclusion of Section 7-9-104(e) of the Code of Alabama 1975. Each pledge, agreement, mortgage and deed of trust or trust indenture made for the benefit or security of any of the Project Obligations of the Authority shall continue effective until the principal of and interest on the Project Obligations for the benefit of which the same were made shall have been fully paid.

In the event of default in such payment or in any agreements of the Authority made as a part of the contract under which the Project Obligations were issued, whether contained in the proceedings authorizing the Project Obligations or in any mortgage and deed of trust or trust indenture executed as security therefor, such default may be enforced by mandamus, the appointment of a receiver, or either of said remedies, and foreclosure of such mortgage and deed of trust or trust indenture may, if provided for in said instrument, be had.

(d) Execution. All Project Obligations issued by the Authority shall be signed by the President or the Vice President of the Authority and attested by its secretary, and the seal of the Authority shall be affixed thereto, and interest coupons, if any, applicable to the Project Obligations of the Authority shall be signed by the President or the Vice President; provided, that all signatures of the said officers may be facsimile signatures, if the Authority, in its proceedings with respect to the issuance of the Project Obligations, provides for manual authentication of the Project Obligations by a trustee, paying agent or registrar or by named individuals who are employees of the state and who are assigned to the Finance Department or the office of the State Treasurer.

(e) General provisions respecting form, interest rate, maturities, sale and negotiability of Project Obligations. Project Obligations may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of Sections 4 through 15 of this act, and shall bear such rate or rates of interest, payable and evidenced in such manner, or may bear no interest, as may be provided by resolution of the Board of Directors. Project Obligations of the Authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the Board of Directors to be most advantageous. The Authority may pay all expenses, premiums and commissions in connection with any financing done by it. All Project Obligations, except those registered as to principal or as to both principal and interest, and any interest coupons applicable thereto

issued by the Authority shall be construed to be negotiable instruments although payable solely from a specified source.

(f) Eligibility for investment. Project Obligations of the Authority are hereby made legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority, and for savings banks and insurance companies organized under the laws of the state.

Section 8. Proceeds from the Sale of Project Obligations; Revenues and Other Funds.

(a) After making adequate provision for the payment of the expenses of issuance, the Authority is authorized and empowered to use the proceeds of any Project Obligations, together with any other available funds, (i) to make loans, and to purchase notes, mortgages, security interests and loan participations as herein authorized; (ii) to pay interest on the Project Obligations until revenues are available in sufficient amounts for such purpose; and (iii) to fund such reserves as the Authority deems necessary and desirable.

(b) Pending the application of the proceeds of Project Obligations to the purpose or purposes for which such Project Obligations were issued, such proceeds may be invested by the Authority in such manner, consistent with the resolution pursuant to which such Project Obligations are issued, as the Board of Directors may deem advisable.

(c) Any and all revenues, receipts, investment earnings and other funds paid to, or otherwise coming into the possession of, the Authority as a result of financings accomplished from the proceeds of Project Obligations, shall be held, deposited, administered, invested and applied as provided in the **resolution of the Board of Directors authorizing the issuance of such Project Obligations** and in any trust indenture delivered in connection therewith, or otherwise as the Authority may direct, consistent with the provisions of such resolution and trust indenture.

Section 9. Refunding Obligations. Any Project Obligations issued by the Authority may from time to time be refunded by the issuance, by sale or exchange, of refunding bonds or obligations payable from the same or different sources for the purpose of paying all or any part of the principal of the Project Obligations to be refunded, any redemption premium required to be paid as a condition to the redemption prior to maturity of any such Project Obligations that are to be so redeemed in connection with such refunding, any accrued and unpaid interest on the Project Obligations to be refunded, any interest to accrue on each Project Obligation to be refunded to the date on which it is to be paid, whether at maturity or by redemption prior to maturity, and the expenses incurred in connection with refunding; provided, that unless duly called for redemption pursuant to provisions contained therein, the holders of any such Project Obligations then outstanding and proposed to be refunded shall not be compelled without their consent to surrender their outstanding Project Obligations for such refunding. Any refunding bonds or obligations may be sold by the Authority at public or private sale at such price or prices as may be determined by the Board of Directors to be most advantageous, or may be exchanged for the Project Obligations to be refunded. Any such refunding bonds or obligations, may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denominations and have such tenor and maturities, shall contain such provisions not inconsistent with the provisions

of Sections 4 through 15 of this act, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of the Board of Directors.

Any refunding bonds or obligations issued by the Authority shall be issued and may be secured in accordance with the provisions of Section 7 of this act.

Section 10. Notice of Resolution; limitation on proceedings questioning or attacking obligations. Upon the adoption by the Board of Directors of the Authority of any resolution providing for the issuance of Project Obligations, the Authority may, in its discretion, cause to be published once a week for two consecutive weeks, in newspapers published or having a general circulation in the cities of Birmingham, Montgomery, Huntsville and Mobile, a notice in substantially the following form (the blanks being properly filled in) at the end of which shall be printed the name and title of either the President or the Secretary of the Authority:

"State Industrial Development Authority, a public corporation under the laws of the State of Alabama, on the ____ day of _____, authorized the issuance of \$ _____ principal amount of bonds or other obligations of the said public corporation for purposes authorized in Title 41, Chapter 10, Article ____ of the Code of Alabama 1975. Any action or proceeding questioning the validity of the said bonds or other obligations, the security thereof, the use of the proceeds thereof or the proceedings authorizing the same, must be commenced within 30 days after the first publication of this notice."

Any action or proceeding in any court to set aside or question the proceedings for the issuance of the Project Obligations referred to in said notice or to contest the validity of any such Project Obligations, or the validity of security therefor, or the validity of the proposed use of the proceeds thereof, must be commenced within 30 days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attacking any of the foregoing shall be asserted, nor shall the validity of the said proceedings, Project Obligations, security or use of proceeds be open to question in any court on any ground whatsoever except in an action commenced within such period.

Section 11. Exemption from certain taxes and fees. The income and property of the Authority, all Project Obligations issued by the Authority and the interest paid on any such Project Obligations, all conveyances by or to the Authority, and all instruments by or to the Authority shall be exempt from all taxation in the state. The Authority shall also be exempt from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which the Authority may engage. The Authority shall not be obligated to pay or allow any fees, taxes or costs to the judge of probate of any county in respect of the recording of any document.

Section 12. Exemption from Usury and Interest Laws. The Authority shall be exempt from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of Chapter 8 of Title 8 of the Code of Alabama 1975.

Section 13. Exemption from competitive bid laws. The Authority and all contracts made by it shall be exempt from the laws of the state requiring competitive bids for any contract to be entered into.

Section 14. Freedom of Authority from State Supervision and Control. Except as may be expressly provided in Sections 4 through 15 of this act, no proceeding, notice or approval shall be required for the issuance of any Project Obligations, the execution of any mortgage and deed of trust, trust indenture or other document or the exercise of any other of the powers of the Authority. Neither a public hearing nor the consent of the State Department of Finance shall be prerequisite to the issuance of Project Obligations by the Authority. The Authority and all of its programs shall, however, be subject to audit by the Examiners of Public Accounts.

Section 15. Earnings of the Authority. The Authority is a nonprofit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation.

Section 16. Legislative Findings and Intent With Respect to Allocation of the State Ceiling.

The Internal Revenue Code of 1986, as amended, imposes a "state ceiling" upon the aggregate principal amount of "private activity bonds" which may be issued in any calendar year by or on behalf of a state and its political subdivisions and instrumentalities, and establishes a method of allocating the available state ceiling within each state. Authority is granted by the Internal Revenue Code, however, to the states to provide for a different formula for allocation of the state ceiling. The Legislature has found and determined that the allocation method contained in the Internal Revenue Code is ill-suited for the needs of the State of Alabama and that the provisions of Sections 16 through 24 of this act will result in a more equitable and efficient distribution of the state ceiling available to the state and will therefore promote the economic and industrial development of the state. It is the intent of the Legislature by the passage of such sections of this act to establish a method of allocation of the available state ceiling in the state for calendar year 1988, and thereafter and to delegate to the State Industrial Development Authority responsibility for the administration of the bond allocation plan established by Sections 16 through 24 of this act.

Section 17. Additional Definitions. Unless the context requires otherwise, the terms defined in this section shall have the following meanings, respectively, when used in Sections 16 through 24 of this act:

(1) **AFFECTED BOND.** Any obligation or portion thereof which is required under the terms of the Code to receive an allocation of the state ceiling as a condition for the exclusion of interest on such obligation from the gross income of the recipient thereof for federal income tax purposes.

(2) **ALLOCATION.** An allocation of a portion of the state ceiling issued by the Authority pursuant to the provisions of Sections 16 through 24 of this act.

(3) **APPLICATION.** An application for an allocation, submitted by an issuer under the provisions of Sections 16 through 24 of this act.

(4) **APPLICATION FOR CARRYFORWARD ALLOCATION.** Any application filed with the Authority seeking an elective carryforward of unused limitation for a "carryforward purpose" as defined in Section 146(f)(5) of the Code.

(5) **AUTHORITY.** The State Industrial Development Authority, a public corporation of the state, organized and existing under article 2 of chapter

10 of Title 41, Code of Alabama 1975 (Act No. 662, enacted at the 1965 Regular Session of the Legislature of Alabama).

(6) **CARRYFORWARD ALLOCATION.** An elective carryforward of state ceiling for a "carryforward purpose" which may be granted by the Authority under the provisions of Sections 16 through 24 of this act and Section 146(f) of the Code.

(7) **CODE.** The Internal Revenue Code of 1986, as amended, including any successor provision to any Code section or subsection referred to herein.

(8) **EXEMPT FACILITY BOND.** Any obligation described as such in Section 142(a) of the Code, other than bonds the proceeds of which are to be used to provide airports or docks and wharves within the meaning of Sections 142(a)(1) and 142(a)(2), respectively, and includes any obligation issued to finance air and water pollution control facilities under the provisions of Section 103(b)(4)(F) of the Internal Revenue Code of 1954, as amended, to the extent permitted under any transitional or effective date provision of the Code.

(9) **ISSUER.** The state, any agency or instrumentality of the state and any county, municipality or public corporation authorized by or pursuant to the Constitution or laws of the state to issue Affected Bonds.

(10) **LOCAL ISSUER.** Any issuer which is a county, municipality, or public corporation organized by or pursuant to approval by a county or municipality (or pursuant to approval by two or more counties or municipalities or both) and which is authorized by or pursuant to the Constitution or laws of the state to issue Affected Bonds.

(11) **MANUFACTURING FACILITY.** Any facility which is used in the manufacturing or production of tangible personal property (including processing resulting in a change in the condition of such property), and includes any facility devoted to an activity described in Standard Industrial Classification (SIC) Code Major Groups 20 through 39, or to agricultural activities, and further includes office facilities related to the foregoing so long as such office facilities are located on the premises of the Manufacturing Facility to which they are related.

(12) **PRIVATE ACTIVITY BOND.** The same meaning as that specified for such term in Section 141(a) of the Code.

(13) **QUALIFIED MORTGAGE BOND.** The same meaning as that specified for such term in Section 143(a)(1)(A) of the Code.

(14) **QUALIFIED REDEVELOPMENT BOND.** The same meaning as that specified for such term in Section 144(c) of the Code.

(15) **QUALIFIED RESIDENTIAL RENTAL PROJECT:** The same meaning as that specified for such term in Section 142(d) of the Code.

(16) **QUALIFIED SMALL ISSUE BOND.** The same meaning as that specified for such term in Section 144(a) of the Code.

(17) **QUALIFIED STUDENT LOAN BOND.** The same meaning as that specified for such term in Section 144(b) of the Code.

(18) **STATE.** The State of Alabama.

(19) **STATE CEILING.** The maximum principal amount of Affected Bonds permitted to be issued in the state during a calendar year under the

provisions of Section 146 of the Code. Under the provisions of the Code in effect on the date of adoption of this act, based upon the most recent estimate of the population of the state made by the Bureau of Census, the State Ceiling for calendar year 1988 is expected to be \$201,050,000. In the event that provisions of Section 146 of the Code are amended subsequent to the adoption of this act, or upon the publication by the Bureau of Census of revised estimates of the population of the state from time to time, the amount of the State Ceiling available for allocation hereunder shall be revised in accordance with the provisions of Section 146 of the Code.

Section 18. Allocation Procedure. Allocations of the State Ceiling shall be granted by the Authority in response to applications filed with the Authority by any issuer in the following manner:

(1) Each application shall be made by an instrument in writing signed by an officer or agent of the issuer and shall contain (i) the names and addresses of the issuer, the proposed lessee, purchaser or user of the project to be financed (if applicable), and bond counsel, (ii) the maximum principal amount of Affected Bonds proposed to be issued, (iii) a brief description of the project to be financed, and (iv) a brief description of the Affected Bonds proposed to be issued, identifying such bonds as "Exempt Facility Bonds," "Qualified Mortgage Bonds," "Qualified Small Issue Bonds" (and if "Qualified Small Issue Bonds," further indicating whether the project to be financed constitutes a Manufacturing Facility), "Qualified Student Loan Bonds," or "Qualified Redevelopment Bonds." In addition, a copy of any notification required by law to be filed with the Alabama Securities Commission in connection with the issuance of the bonds which are the subject of the application shall also be filed with the Authority together with the application. Applications shall also include such other information as may be required by the Authority. All applications shall be mailed or otherwise delivered to the Authority at such address and in such manner as may be specified by the Authority.

(2) Each application and each request for an extension of an allocation shall be accompanied by an administrative fee in such amount as may be determined by the Authority.

(3) All applications shall be processed and all allocations shall be made by the Authority in accordance with the provisions of Sections 16 through 24 of this act.

(4) Each allocation of State Ceiling granted by the Authority prior to December 1 of any calendar year shall expire upon the earlier of (i) midnight of the day which is sixty (60) calendar days following the date of the allocation, or (ii) midnight on November 30 of the calendar year in which the allocation is made, unless a notification confirming issuance of the bonds has been received by the Authority as described in subdivision (5) below, subject to extension for such period as may be permitted at the discretion of the Authority for good cause shown. Any application which has expired may be renewed by resubmission of a new application. Any allocation granted by the Authority on or after December 1 of any year shall expire at such time as may be designated by the Authority in such allocation. The foregoing provisions of this section shall not apply to carryforward allocations, which shall be effective for the period provided in Section 146(f)(3) of the Code.

(5) Every allocation shall be subject to the condition subsequent that a notification confirming the issuance of bonds pursuant to such allocation must be received in the office of the President of the Authority within such

period of time following the date of issuance of the bonds as may be designated by the Authority. The confirmation required hereby may be executed by any officer, representative or agent of the issuer and shall be effective upon receipt at the office of the President of the Authority. Failure to provide a confirmation shall cause a revocation of the allocation for which the confirmation is required, subject to waiver of such revocation by the Authority in its discretion.

(6) On December 1 of each calendar year, any previously allocated portion of the State Ceiling for which a confirmation of issuance has not been received by the Authority as required by subdivision (5) above shall revert to the Authority, to be allocated along with any other portion of the State Ceiling then available, to issuers of Affected Bonds at the discretion of the Authority. Applications for allocations to be made during the month of December shall be submitted to the Authority in the manner required in subdivisions (1) and (2) above.

Section 19. Allocation Formula. The State Ceiling for calendar year 1988 (less such portion thereof, if any, as may be utilized in connection with the issuance of any Affected Bonds between January 1, 1988, and the date of adoption of this act) and thereafter is hereby allocated in its entirety to the state, and after the date of adoption of this act no other governmental unit, issuer, or other entity of any type shall have or utilize any portion of the State Ceiling for such year except in accordance with the provisions of Sections 16 through 24 of this act. The State Ceiling shall be redistributed by the Authority to issuers of Affected Bonds in the chronological order of receipt of completed applications, subject to the limitations, reservations and further provisions of this section.

(1) There is hereby reserved for Alabama Housing Finance Authority thirty percent (30%) of the State Ceiling for each calendar year, to be used for the issuance of Exempt Facility Bonds for Qualified Residential Rental Projects and for the issuance of Qualified Mortgage Bonds, in such relative principal amounts as shall be determined by the Board of Directors of Alabama Housing Finance Authority. The reservation of State Ceiling hereby granted to Alabama Housing Finance Authority shall extend until December 15 of each calendar year. Any portion thereof which shall remain unused as of 5:00 p.m., Central Standard Time, on December 15, shall revert to the Authority and shall be available for reallocation under subdivision (5) below.

(2) There is hereby reserved for the Alabama Higher Education Loan Corporation fifteen percent (15%) of the State Ceiling for each calendar year, to be used for the issuance of Qualified Student Loan Bonds. The reservation of State Ceiling hereby granted to the Alabama Higher Education Loan Corporation shall extend until December 15 of each calendar year. Any portion thereof which shall remain unused as of 5:00 p.m., Central Standard Time, on December 15, shall revert to the Authority and shall be available for reallocation under subdivision (5) below.

(3) Subject to the provisions of subdivision (6) below, thirty-three and one-third percent (33-1/3%) of the State Ceiling for each calendar year is hereby reserved for issuers of Qualified Small Issue Bonds which are issued to finance Manufacturing Facilities.

(4) Subject to the provisions of subdivision (6) below, sixteen and two-thirds percent (16-2/3%) of the State Ceiling for each calendar year is hereby reserved for issuers of Exempt Facility Bonds.

(5) The remaining five percent (5%) of the State Ceiling for each calendar year not provided for in subdivisions (1), (2), (3), and (4) above, together with any amounts which shall revert to the Authority under subdivision (6) of Section 18 of this act or subdivisions (1) and (2) above, is hereby reserved for the Authority, to be allocated to issuers of Affected Bonds in the discretion of the Authority.

(6) If, in its sole judgment, the Authority shall determine that inefficient use has been or is being made of the reservations contained in subdivisions (3) and (4) above, or if it shall determine for any other reason that such reservations are inappropriate, the Authority may, from time to time, reallocate all or any part of such reservations in accordance with subdivision (4) above.

Section 20. Carryforward Allocation Procedure. Applications for Carryforward Allocations may be submitted to the Authority on or after December 1 of each calendar year. The Authority shall grant such Carryforward Allocations in its sole discretion, giving due regard to the likelihood of the use of the remaining State Ceiling prior to December 31 of such year, and shall use its best efforts to assure that any remaining and unallocated State Ceiling is used to satisfy applications for Carryforward Allocations.

Section 21. Rules, Policies, Regulations and Forms. The Authority may do all other things necessary or desirable to carry out the purpose of the provisions of Sections 16 through 24 of this act, including the establishment of fees to be paid with each application. The Authority is hereby empowered to adopt and promulgate such rules, policies, regulations and forms as it may deem necessary or desirable to carry out the purposes of the provisions of Sections 16 through 24 of this act. The Authority is hereby specifically authorized to adopt such rules and regulations, including rules and regulations limiting the principal amount of allocations to be granted to local issuers, **as it may determine to be necessary or desirable to promote the fair and efficient distribution of the State Ceiling among local issuers.** The Authority shall have the power to employ attorneys, agents or such other persons or entities as necessary to assist the Authority in the administration of its duties hereunder.

Section 22. Designation of Official for Certifications. The President of the Authority is hereby designated as the state official authorized to make the certifications required by Section 149(e)(2)(F) of the Code.

Section 23. Notification of Bonds Issued Prior to Adoption of Sections 16 through 24. No later than thirty (30) days subsequent to the effective date of this act, each issuer who has issued any Affected Bonds during the period from January 1, 1988, to the effective date of this act, shall provide a written notice to the Authority containing such information with respect to such Affected Bonds as the Authority may reasonably request.

Section 24. Confirmation of Prior Allocations. All allocations and carryforward allocations of State Ceiling applicable to the state made prior to the effective date of this act, pursuant to Executive Orders of the Governor of the state, and all allocations of State Ceiling made with respect to bonds for which a notification is properly filed with the Authority as required by Section 23, are hereby ratified and confirmed.

Section 25. Severability Clause. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 26. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Governmental Affairs then reported the following amendment to the substitute for the Bill, S. B. 465, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 465

Amend substitute for S. B. 465 on Page 9, line 24, by striking the word "electricity".

Further amend substitute for S. B. 465 on Page 10, line 27, by inserting after the word "categories" and before the word "by" the following:

(without regard to any numerical or other modifiers)

Which was adopted.

And on motion of Senator Goodwin, the substitute, as thus amended, was laid on the table.

Senator Goodwin then offered the following substitute for the Bill, S. B. 465, to-wit:

SUBSTITUTE NO. 2 FOR S. B. 465

A BILL TO BE ENTITLED AN ACT

To amend Sections 41-10-20, 41-10-22, 41-10-26, and 41-10-27 of the Code of Alabama 1975, relating to the State Industrial Development Authority, so as to provide further for the composition of such authority, to authorize grants for infrastructures; to provide for matching grants and to permit contributions toward such grants; to permit adoption of guidelines for grants, and to set limits and conditions for the issuance of bonds; and to make legislative findings with respect to the need for additional powers of the State Industrial Development Authority; to provide definitions of certain terms; to grant additional powers to the Authority, including the power to issue notes, bonds and other forms of obligations for the purpose of financing industrial and commercial projects; to provide for the source of payment and security for such obligations; to provide for the means of execution of such obligations and for general provisions respecting the form, interest rate, maturity, sale and negotiability of such obligations; to declare that obligations of the Authority shall be legal investments; to provide for the use and disposition of the proceeds from the sale of obligations of the Authority and the revenues and receipts derived from project financings; to permit the issuance of refunding obligations; to provide for the publication of notice for the purpose of validating obligations of the Authority; to provide that the Authority, all income and property of the Authority and obligations issued by the Authority shall be exempt from taxation in the State of Alabama; to provide for exemptions from the usury and interest laws and the competitive bid laws of the State of Alabama; to provide that the Authority shall be free from the supervision and control of the state, except that the Authority shall be subject to audit by the Examiners of Public Accounts; to provide that the earnings of the Authority shall not inure to the benefit of any individual, firm or corporation; to expand further the powers of the Authority by providing for a method of allocating the "state

ceiling" and authorizing the Authority to provide for the method of filing applications for allocations of a portion of the "state ceiling" made by the Authority applicable to tax-exempt bonds; to establish expiration and reversion dates for allocations of "state ceiling" and conditions subsequent to such allocations; to allocate the entire "state ceiling" to the state, subject to redistribution by the Authority; to reserve certain portions of the "state ceiling" for the use and benefit of Alabama Housing Finance Authority and Alabama Higher Education Loan Corporation; to provide for the allocation of portions of the "state ceiling" to issuers of small issue bonds for manufacturing facilities and for exempt facility bonds and for the allocation of a portion of the "state ceiling" at the discretion of the Authority; to impose certain limitations upon allocations made by the Authority to local issuers of affected bonds; to provide a procedure for carryforward allocations; and to designate the President of the Authority as the state official authorized to make certain certifications required under the Internal Revenue Code of 1986, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 41-10-20, Code of Alabama 1975, is hereby amended to read as follows:

"§ 41-10-20.

"When used in this article, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

"(1) **AUTHORITY.** The public corporation organized pursuant to the provisions of this article.

"(2) **BOARD OF DIRECTORS.** The board of directors of the authority.

"(3) **BONDS.** The bonds issued under the provisions of this article.

"(4) **GRANTEE.** A county, municipality or local industrial development board organized as a public corporation in this state, or an airport authority organized as a public corporation in this state pursuant to chapter 3 of Title 4, or whether created by general, special or local laws, or general acts of local application, if such authority governs an airport operated by a county and at least one municipality therein jointly, to which a grant of money is made as provided in section 41-10-26.

"(5) **INDUSTRIAL SITES.** Land owned by a grantee or potential grantee on which industrial facilities have been or will be constructed for sale or lease to an individual, private association or private corporation.

"(6) **NOMINAL TRANSFEREE.** Any person to whom a grantee transfers one or more industrial sites or any part of any thereof for less than fair market value and any person who derives title to such industrial sites or any part of any thereof through such a transferee.

"(7) **PERSON.** Unless limited to a natural person by the context in which it is used, such term includes a private firm, a private association, a public or private corporation, a municipality, a county or an agency, department or instrumentality of the state or of a county or municipality.

"(8) **PREPARATION OF INDUSTRIAL SITES.** The grading and draining of industrial sites and the means of access thereto.

"(9) **STATE.** The state of Alabama.

“(10) INFRASTRUCTURES. Access roads, rail spurs, and extensions of water, sewer and gas lines to serve industrial sites.”

Section 2. Section 41-10-22, Code of Alabama 1975, is hereby amended to read as follows:

“§41-10-22.

“The Lieutenant Governor, the Speaker of the House of Representatives, the director of the state industrial development board, the commissioner of revenue, and the director of finance, one member of the Senate appointed by the Lieutenant Governor and one member of the House of Representatives appointed by the Speaker of said House may become a public corporation with the powers provided for in this article by proceeding according to the provisions of section 41-10-23.”

Section 3. Section 41-10-26, Code of Alabama 1975, is hereby amended to read as follows:

“§ 41-10-26.

“The authority shall have the following powers:

“(1) To have succession by its corporate name until dissolved as provided in this article;

“(2) To institute and defend legal proceedings in any court of competent jurisdiction and proper venue; provided, that the authority may not be sued in any trial court other than the courts of the county in which is located the principal office of the authority; provided further, that the officers, directors, agents and employees of the authority may not be sued for actions in behalf of the authority in any trial court other than the courts of the county in which is located the principal office of the authority;

“(3) To have and to use a corporate seal and to alter the seal at pleasure;

“(4) To establish a fiscal year;

“(5) To anticipate by the issuance of its bonds the receipt of the revenues appropriated and pledged in this article;

“(6) To pledge the proceeds of the appropriations and pledges provided for in this article as security for the payment of the principal of and interest on its bonds;

“(7) To make surveys to determine suitable locations in the state for prospective industries;

“(8) To make surveys to determine the availability of labor in various parts of the state and to classify such labor in terms of skills and educational levels;

“(9) To assist counties, municipalities, local industrial development boards organized as public corporations in the state, or airport authorities organized as public corporations in this state pursuant to chapter 3 of Title 4, or whether created by general, special or local law, or general acts of local application, if such authority governs an airport operated by a county and at least one municipality therein jointly, in the survey and analysis of their industrial resources and needs;

“(10) To make grants of money to counties, municipalities and local industrial development boards organized as public corporations in the state,

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or airport authorities organized as public corporations in this state pursuant to chapter 3 of Title 4, or whether created by general, special or local law, or general acts of local application if such authority governs an airport operated by a county and at least one municipality therein jointly, for the purposes and subject to the terms and conditions set forth in section 41-10-27;

“(11) To appoint and employ such attorneys and agents as the authority may require for the carrying out of its corporate purposes and the exercise of the foregoing powers;

“(12) To make grants of money to grantees for infrastructures on a matching basis with a ratio requiring the grantee to provide at least 20% of the funds in cash or in ‘in kind’ contribution. Said matching requirement may be waived in whole or in part by the Authority, in its absolute discretion, in cases of hardship or for just cause upon justification based on economic impact, clear public good, and inability of the grantee to provide such matching funds; and

“(13) To adopt in its discretion guidelines and standards for all grants.”

Section 4. Section 41-10-27, Code of Alabama 1975, is hereby amended to read as follows:

“§ 41-10-27.

“(a) The authority is hereby authorized from time to time to sell and issue its bonds, ~~not exceeding \$2,600,000.00 in aggregate principal amount,~~ for the purpose of making the grants of money authorized in section 41-10-26; provided, however, that at the time of issuance of any such bonds, the aggregate annual debt service for such bonds and for all other outstanding bonds of the authority issued for the purpose of making grants authorized by section 41-10-26, shall not exceed 75% of the portion of the proceeds of the tax pledged for the payment of such bonds in section 41-10-30, based upon the collections of such tax during the most recent fiscal year of the state prior to the issuance of such bonds. The grantees may use the said grants authorized in the said section for the following purposes:

“(1) The making of surveys to determine the location of suitable industrial sites in the locality of the grantee;

“(2) The making of surveys to determine the availability of labor in the locality of the grantee and to classify such labor in terms of skills and educational level;

“(3) The preparation of industrial sites and the building or improvement of infrastructures; or

“(4) Any combination of any of the foregoing which the grantees consider appropriate and necessary for the promotion of industrial development in their respective localities.

“(b) Every grant of money made by the authority pursuant to section 41-10-26 shall be made subject to the following terms and conditions, which are hereby declared to be legally enforceable in any court of competent jurisdiction:

“(1) No part of any such grant or grants shall be used with respect to the preparation of any industrial sites or any infrastructure in excess of the greater of \$2,000,000 or one and one-half percent of the amount that it is

anticipated will be spent for the construction and equipment of the facilities that will occupy the said industrial sites as such anticipated amount shall be certified to the authority by the architect or engineer for the facilities to be constructed and equipped or by the chief executive officer of the grantee;

“(2) No part of any such grant or grants shall be used with respect to the preparation of any industrial sites or any infrastructure in any case where any individual, private association or private corporation has received or is to receive an option to purchase such industrial sites or any part of any thereof from the grantee or any nominal transferee of the grantee for less than the fair market value of such industrial sites and infrastructures therefor;

“(3) The authority shall have power to audit the disbursements by the grantee from such grant or grants; and

“(4) Any other appropriate terms and conditions to facilitate the enforcement of the foregoing provisions of this subsection.”

Section 5. Legislative Intent With Respect to Additional Powers of the Authority.

The Legislature has found and determined that the economic well-being of the citizens of the State of Alabama will be enhanced by continued and increased industrial and commercial development of the state's resources. The Legislature has further found and determined that recent changes in the federal income tax treatment of interest on obligations issued by or on behalf of states and their political subdivisions have hindered the ability of local issuers of such obligations in the State of Alabama to achieve the goals of industrial and commercial development. It is the intention of the Legislature, by the adoption of this act, to authorize the State Industrial Development Authority to establish one or more programs of financing for industrial and commercial enterprises in the State of Alabama to serve as a complement to the means of financing currently provided by private financial institutions and by various public corporations. The Legislature intends that the powers herein granted to the Authority shall be in addition to those which it already possesses.

The provisions of Sections 5 through 16 of this act shall be liberally construed in conformity with intentions of the Legislature expressed in this section.

Section 6. Additional Definitions. In addition to the definitions contained in Section 41-10-20, Code of Alabama 1975, the following terms shall have the following meanings, respectively, when used in Sections 5 through 16 of this act, unless the context clearly requires otherwise:

(1) PROJECT.

a. Any land, building, machinery, equipment or other improvement, and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be located in the state and shall be suitable for use by the following or by any combination of two or more thereof:

1. Any industry for the manufacturing, extraction, processing or assembling of any agricultural, manufactured or mineral products;

2. Any commercial enterprise in storing, warehousing, or distributing any products of agriculture, mining, or industry;

3. Any enterprise for the purpose of research in connection with:

(i) Any of the foregoing;

(ii) The development of new products or new processes;

(iii) The improvement of existing products or known processes; or

(iv) The development of facilities for the exploration of outer space or promotion of the national defense; and

4. Any industrial or commercial enterprise for the production or distribution of gas, water, telephone or other communication services; and

b. Any facility necessary or appropriate for use by any industry or enterprise of the character described in paragraph a. above, including, without limiting the generality of the foregoing:

1. Office facilities designed for use by any such industry or enterprise not only in connection with its operation in the state, but also for use by it as national, regional or divisional offices in the management and supervision of its manufacturing, extracting, processing, assembling, storing, warehousing, distributing, or research operations, wherever located; and

2. Facilities for or useful in the control, reduction, abatement or prevention of air, noise, water or general environmental pollution including, without limitation, any air pollution control facility, noise abatement or reduction facility, water management facility, water purification facility, waste water collection facility, waste water treatment facility or solid waste disposal facility.

(2) PROJECT OBLIGATION. Any bond, note, debenture, certificate, grant or revenue anticipation note, participation or other form of indebtedness issued by the Authority pursuant to Sections 4 through 15 of this act.

Section 7. Additional Powers of Authority. In addition to the powers granted to it in Section 41-10-26, Code of Alabama 1975, the Authority shall have the following powers:

(1) To adopt and alter bylaws for the regulation and conduct of its affairs and business;

(2) To borrow money and to issue Project Obligations, whether or not the interest thereon is excluded from gross income for federal income tax purposes, and to provide for the rights of the purchasers or holders thereof; provided, however, that all Project Obligations issued hereunder shall be rated in one of the three highest ratings categories (without regard to any numerical or other modifiers) by Moody's Investors Service, Inc., or Standard and Poor's Corporation, or any other or successor national rating agency;

(3) To execute and deliver mortgages, security agreements and trust indentures for the purpose of securing its Project Obligations, and in connection therewith, to mortgage, pledge or assign the revenues, receipts and other property of the Authority received, and the contracts and agreements entered into by the Authority in connection with, the financing of Projects under Sections 5 through 16 of this act;

(4) To issue Project Obligations to provide financing for a particular project authorized in Sections 5 through 16 of this act or to provide a

program for financing of projects herein authorized on a pooled or consolidated basis;

(5) To purchase promissory notes, mortgages, security interests or participations in promissory notes evidencing loans executed to provide financing for projects and to enter into contracts and agreements in that regard;

(6) To make loans to any person, corporation, partnership or other entity for the costs of planning, designing, financing, acquiring, constructing, reconstructing, improving, equipping and furnishing any project or any portion thereof, which loans may be evidenced or secured by loan agreements, notes, mortgages, security agreements, assignments, letters of credit, guaranties, surety bonds, insurance policies or such other instruments, or upon such terms and conditions as the Board of Directors shall determine to be reasonable. In entering into any such loan or other agreement, the Authority shall have the right and power to require the inclusion therein of such provisions or requirements for guaranties of obligations, insurance, construction, use, operation, maintenance, management and financing of a project, and such other terms and conditions, as the Authority may deem desirable and appropriate;

(7) To arrange for various forms of security or credit enhancement for its Project Obligations including letters of credit, guaranties, policies of insurance, surety bonds and the like;

(8) To sell mortgages and security interests at public or private sale, to negotiate modifications or alterations in mortgage and security interests, to foreclose on any mortgage or security interest in default or commence any action to protect or enforce any right conferred upon it by any law, mortgage, security agreement, contract, or other agreement, and to bid for and purchase property which was the subject of such mortgage or security interest at any foreclosure or at any other sale, to acquire or take possession of any such property, and to exercise any and all rights as provided by law for the benefit or protection of the Authority or the holders of Project Obligations;

(9) To collect fees and charges in connection with its loans, Project Obligations, commitments and loan servicing, including, but not limited to, reimbursement of costs of financing, as the Authority shall determine to be reasonable and as shall be approved by the Authority;

(10) To make and execute contracts for the servicing of loans made by the Authority and mortgages acquired by the Authority and to pay the reasonable value of services rendered to the Authority pursuant to those contracts;

(11) To accept gifts, grants, loans, appropriations and other aid from the federal government, the state or any state agency, or any political subdivision of the state, or any person or corporation, foundation, or legal entity, and to agree to and comply with any conditions attached to federal and state financial assistance not inconsistent with the provisions of Sections 5 through 16 of this act;

(12) To invest moneys of the Authority not required for immediate use, including proceeds from the sale of any Project Obligations, in such manner as the Board of Directors shall determine, any other provision of law to the contrary notwithstanding;

(13) To establish accounts in one or more depositories;

(14) To appoint, employ, contract with and provide for the compensation of, such employees and agents, including engineers, attorneys, contractors, consultants, accountants, fiscal advisors, investment bankers and underwriters as the Board of Directors shall deem necessary or desirable for the conduct of the business of the Authority;

(15) To make, enter into and execute such contracts, agreements or other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which the Authority was organized or to exercise any power granted to it;

(16) To exercise any power granted by the laws of the state to public or private corporations which is not in conflict with the public purpose of this act; and

(17) To administer the allocation of the state ceiling for private activity bonds under Section 146 of the Internal Revenue Code of 1986, as amended.

Section 8. Project Obligations Generally.

(a) Issuance of Project Obligations. The Authority is authorized and empowered to issue its Project Obligations from time to time to provide financing for a particular project or on a pooled or consolidated basis for a series of related or unrelated projects, in such aggregate principal amount as the Board of Directors shall determine to be necessary to provide for the costs of the project or projects being financed and to pay the expenses of issuing the Project Obligations. Nothing herein contained shall be construed to require the Authority to identify the particular projects to be financed prior to the issuance of Project Obligations on a pooled or consolidated basis.

(b) Source of Payment. All Project Obligations issued by the Authority shall be limited obligations of the Authority payable solely from the revenues and receipts of the Authority derived from **loans made from the proceeds of such Project Obligations**, from incomes realized by the Authority under any mortgage or other security granted to the Authority, from amounts derived from any letter of credit, insurance policy or other form of credit enhancement applicable to the Project Obligations or the loans made from the proceeds thereof, from any reserve or other fund established for such purpose by the Authority and from earnings on the proceeds of Project Obligations invested by the Authority pending their disbursement. Project Obligations shall not be general obligations of the Authority, shall not be payable from any portion of the tax receipts pledged and appropriated to the Authority for payment of bonds issued under Article 2 of Chapter 10 of Title 41, Code of Alabama 1975, and shall not create a debt or obligation of the state.

(c) Pledge of revenues, receipts and other security. The principal of, premium, if any, and interest on any Project Obligations issued by the Authority shall be secured by a pledge of the revenues, receipts and other property out of which the same may be payable and may be secured by a mortgage and deed of trust or trust indenture conveying as security for such bonds all or any part of the property of the Authority from which the revenues or receipts so pledged may be derived.

The resolution of the Board of Directors under which the Project Obligations are authorized to be issued and any such mortgage and deed of trust or trust indenture may contain any agreements and provisions respecting the collection and disposition of the revenues and receipts subject to such mortgage and deed of trust or trust indenture, the creation and maintenance

of special funds from such revenues and receipts, the rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made and the rights and remedies available in the event of default, all as the Board of Directors shall deem advisable. Any pledge made with respect to Project Obligations shall be valid and binding from the time such pledge is made; the revenues, receipts and other property so pledged shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act; and the lien of such pledge shall be valid and binding as against all parties having claims of any kind against the Authority irrespective of whether such parties have notice thereof. Neither the resolution of the Board of Directors authorizing the Project Obligations nor any other instrument by which such pledge is created need be recorded. Nonetheless, the Authority may elect to have the provisions of the Alabama Uniform Commercial Code apply to any pledge made by or to the Authority to secure its Project Obligations by filing a financing statement or statements with respect to the security interest created by such pledge, notwithstanding the exclusion of Section 7-9-104(e) of the Code of Alabama 1975. Each pledge, agreement, mortgage and deed of trust or trust indenture made for the benefit or security of any of the Project Obligations of the Authority shall continue effective until the principal of and interest on the Project Obligations for the benefit of which the same were made shall have been fully paid.

In the event of default in such payment or in any agreements of the Authority made as a part of the contract under which the Project Obligations were issued, whether contained in the proceedings authorizing the Project Obligations or in any mortgage and deed of trust or trust indenture executed as security therefor, such default may be enforced by mandamus, the appointment of a receiver, or either of said remedies, and foreclosure of such mortgage and deed of trust or trust indenture may, if provided for in said instrument, be had.

(d) Execution. All Project Obligations issued by the Authority shall be signed by the President or the Vice President of the Authority and attested by its secretary, and the seal of the Authority shall be affixed thereto, and interest coupons, if any, applicable to the Project Obligations of the Authority shall be signed by the President or the Vice President; provided, that all signatures of the said officers may be facsimile signatures, if the Authority, in its proceedings with respect to the issuance of the Project Obligations, provides for manual authentication of the Project Obligations by a trustee, paying agent or registrar or by named individuals who are employees of the state and who are assigned to the Finance Department or the office of the State Treasurer.

(e) General provisions respecting form, interest rate, maturities, sale and negotiability of Project Obligations. Project Obligations may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of Sections 4 through 15 of this act, and shall bear such rate or rates of interest, payable and evidenced in such manner, or may bear no interest, as may be provided by resolution of the Board of Directors. Project Obligations of the Authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the Board of Directors to be most advantageous. The Authority may pay all expenses, premiums and commissions in connection with any financing done by it. All Project Obligations, except those registered as to principal or as

to both principal and interest, and any interest coupons applicable thereto issued by the Authority shall be construed to be negotiable instruments although payable solely from a specified source.

(f) Eligibility for investment. Project Obligations of the Authority are hereby made legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority, and for savings banks and insurance companies organized under the laws of the state.

Section 9. Proceeds from the Sale of Project Obligations; Revenues and Other Funds.

(a) After making adequate provision for the payment of the expenses of issuance, the Authority is authorized and empowered to use the proceeds of any Project Obligations, together with any other available funds, (i) to make loans, and to purchase notes, mortgages, security interests and loan participations as herein authorized; (ii) to pay interest on the Project Obligations until revenues are available in sufficient amounts for such purpose; and (iii) to fund such reserves as the Authority deems necessary and desirable.

(b) Pending the application of the proceeds of Project Obligations to the purpose or purposes for which such Project Obligations were issued, such proceeds may be invested by the Authority in such manner, consistent with the resolution pursuant to which such Project Obligations are issued, as the Board of Directors may deem advisable.

(c) Any and all revenues, receipts, investment earnings and other funds paid to, or otherwise coming into the possession of, the Authority as a result of financings accomplished from the proceeds of Project Obligations, shall be held, deposited, administered, invested and applied as provided in the resolution of the Board of Directors authorizing the issuance of such Project Obligations and in any trust indenture delivered in connection therewith, or otherwise as the Authority may direct, consistent with the provisions of such resolution and trust indenture.

Section 10. Refunding Obligations. Any Project Obligations issued by the Authority may from time to time be refunded by the issuance, by sale or exchange, of refunding bonds or obligations payable from the same or different sources for the purpose of paying all or any part of the principal of the Project Obligations to be refunded, any redemption premium required to be paid as a condition to the redemption prior to maturity of any such Project Obligations that are to be so redeemed in connection with such refunding, any accrued and unpaid interest on the Project Obligations to be refunded, any interest to accrue on each Project Obligation to be refunded to the date on which it is to be paid, whether at maturity or by redemption prior to maturity, and the expenses incurred in connection with refunding; provided, that unless duly called for redemption pursuant to provisions contained therein, the holders of any such Project Obligations then outstanding and proposed to be refunded shall not be compelled without their consent to surrender their outstanding Project Obligations for such refunding. Any refunding bonds or obligations may be sold by the Authority at public or private sale at such price or prices as may be determined by the Board of Directors to be most advantageous, or may be exchanged for the Project Obligations to be refunded. Any such refunding bonds or obligations, may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denominations and have such tenor and

maturities, shall contain such provisions not inconsistent with the provisions of Sections 5 through 16 of this act, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of the Board of Directors.

Any refunding bonds or obligations issued by the Authority shall be issued and may be secured in accordance with the provisions of Section 8 of this act.

Section 11. Notice of Resolution; limitation on proceedings questioning or attacking obligations. Upon the adoption by the Board of Directors of the Authority of any resolution providing for the issuance of Project Obligations, the Authority may, in its discretion, cause to be published once a week for two consecutive weeks, in newspapers published or having a general circulation in the cities of Birmingham, Montgomery, Huntsville and Mobile, a notice in substantially the following form (the blanks being properly filled in) at the end of which shall be printed the name and title of either the President or the Secretary of the Authority:

"State Industrial Development Authority, a public corporation under the laws of the State of Alabama, on the ____ day of _____, authorized the issuance of \$ _____ principal amount of bonds or other obligations of the said public corporation for purposes authorized in Title 41, Chapter 10, Article ____ of the Code of Alabama 1975. Any action or proceeding questioning the validity of the said bonds or other obligations, the security thereof, the use of the proceeds thereof or the proceedings authorizing the same, must be commenced within 30 days after the first publication of this notice."

Any action or proceeding in any court to set aside or question the proceedings for the issuance of the Project Obligations referred to in said notice or to contest the validity of any such Project Obligations, or the validity of security therefor, or the validity of the proposed use of the proceeds thereof, must be commenced within 30 days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attacking any of the foregoing shall be asserted, nor shall the validity of the said proceedings, Project Obligations, security or use of proceeds be open to question in any court on any ground whatsoever except in an action commenced within such period.

Section 12. Exemption from certain taxes and fees. The income and property of the Authority, all Project Obligations issued by the Authority and the interest paid on any such Project Obligations, all conveyances by or to the Authority, and all instruments by or to the Authority shall be exempt from all taxation in the state. The Authority shall also be exempt from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which the Authority may engage. The Authority shall not be obligated to pay or allow any fees, taxes or costs to the judge of probate of any county in respect of the recording of any document.

Section 13. Exemption from Usury and Interest Laws. The Authority shall be exempt from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of Chapter 8 of Title 8 of the Code of Alabama 1975.

Section 14. Exemption from competitive bid laws. The Authority and all contracts made by it shall be exempt from the laws of the state requiring competitive bids for any contract to be entered into.

Section 15. Freedom of Authority from State Supervision and Control. Except as may be expressly provided in Sections 5 through 16 of this act, no proceeding, notice or approval shall be required for the issuance of any Project Obligations, the execution of any mortgage and deed of trust, trust indenture or other document or the exercise of any other of the powers of the Authority. Neither a public hearing nor the consent of the State Department of Finance shall be prerequisite to the issuance of Project Obligations by the Authority. The Authority and all of its programs shall, however, be subject to audit by the Examiners of Public Accounts.

Section 16. Earnings of the Authority. The Authority is a nonprofit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation.

Section 17. Legislative Findings and Intent With Respect to Allocation of the State Ceiling.

The Internal Revenue Code of 1986, as amended, imposes a "state ceiling" upon the aggregate principal amount of "private activity bonds" which may be issued in any calendar year by or on behalf of a state and its political subdivisions and instrumentalities, and establishes a method of allocating the available state ceiling within each state. Authority is granted by the Internal Revenue Code, however, to the states to provide for a different formula for allocation of the state ceiling. The Legislature has found and determined that the allocation method contained in the Internal Revenue Code is ill-suited for the needs of the State of Alabama and that the provisions of Sections 17 through 25 of this act will result in a more equitable and efficient distribution of the state ceiling available to the state and will therefore promote the economic and industrial development of the state. It is the intent of the Legislature by the passage of such sections of this act to establish a method of allocation of the available state ceiling in the state for calendar year 1988, and thereafter and to delegate to the State Industrial Development Authority responsibility for the administration of the bond allocation plan established by Sections 17 through 25 of this act.

Section 18. Additional Definitions. Unless the context requires otherwise, the terms defined in this section shall have the following meanings, respectively, when used in Sections 17 through 25 of this act:

(1) **AFFECTED BOND.** Any obligation or portion thereof which is required under the terms of the Code to receive an allocation of the state ceiling as a condition for the exclusion of interest on such obligation from the gross income of the recipient thereof for federal income tax purposes.

(2) **ALLOCATION.** An allocation of a portion of the state ceiling issued by the Authority pursuant to the provisions of Sections 17 through 25 of this act.

(3) **APPLICATION.** An application for an allocation, submitted by an issuer under the provisions of Sections 17 through 25 of this act.

(4) **APPLICATION FOR CARRYFORWARD ALLOCATION.** Any application filed with the Authority seeking an elective carryforward of unused limitation for a "carryforward purpose" as defined in Section 146(f)(5) of the Code.

(5) **AUTHORITY.** The State Industrial Development Authority, a public corporation of the state, organized and existing under article 2 of chapter

10 of Title 41, Code of Alabama 1975 (Act No. 662, enacted at the 1965 Regular Session of the Legislature of Alabama).

(6) **CARRYFORWARD ALLOCATION.** An elective carryforward of state ceiling for a "carryforward purpose" which may be granted by the Authority under the provisions of Sections 17 through 25 of this act and Section 146(f) of the Code.

(7) **CODE.** The Internal Revenue Code of 1986, as amended, including any successor provision to any Code section or subsection referred to herein.

(8) **EXEMPT FACILITY BOND.** Any obligation described as such in Section 142(a) of the Code, other than bonds the proceeds of which are to be used to provide airports or docks and wharves within the meaning of Sections 142(a)(1) and 142(a)(2), respectively, and includes any obligation issued to finance air and water pollution control facilities under the provisions of Section 103(b)(4)(F) of the Internal Revenue Code of 1954, as amended, to the extent permitted under any transitional or effective date provision of the Code.

(9) **ISSUER.** The state, any agency or instrumentality of the state and any county, municipality or public corporation authorized by or pursuant to the Constitution or laws of the state to issue Affected Bonds.

(10) **LOCAL ISSUER.** Any issuer which is a county, municipality, or public corporation organized by or pursuant to approval by a county or municipality (or pursuant to approval by two or more counties or municipalities or both) and which is authorized by or pursuant to the Constitution or laws of the state to issue Affected Bonds.

(11) **MANUFACTURING FACILITY.** Any facility which is used in the manufacturing or production of tangible personal property (including processing resulting in a change in the condition of such property), and includes any facility devoted to an activity described in Standard Industrial Classification (SIC) Code Major Groups 20 through 39, or to agricultural activities, and further includes office facilities related to the foregoing so long as such office facilities are located on the premises of the Manufacturing Facility to which they are related.

(12) **PRIVATE ACTIVITY BOND.** The same meaning as that specified for such term in Section 141(a) of the Code.

(13) **QUALIFIED MORTGAGE BOND.** The same meaning as that specified for such term in Section 143(a)(1)(A) of the Code.

(14) **QUALIFIED REDEVELOPMENT BOND.** The same meaning as that specified for such term in Section 144(c) of the Code.

(15) **QUALIFIED RESIDENTIAL RENTAL PROJECT:** The same meaning as that specified for such term in Section 142(d) of the Code.

(16) **QUALIFIED SMALL ISSUE BOND.** The same meaning as that specified for such term in Section 144(a) of the Code.

(17) **QUALIFIED STUDENT LOAN BOND.** The same meaning as that specified for such term in Section 144(b) of the Code.

(18) **STATE.** The State of Alabama.

(19) **STATE CEILING.** The maximum principal amount of Affected Bonds permitted to be issued in the state during a calendar year under the

provisions of Section 146 of the Code. Under the provisions of the Code in effect on the date of adoption of this act, based upon the most recent estimate of the population of the state made by the Bureau of Census, the State Ceiling for calendar year 1988 is expected to be \$201,050,000. In the event that provisions of Section 146 of the Code are amended subsequent to the adoption of this act, or upon the publication by the Bureau of Census of revised estimates of the population of the state from time to time, the amount of the State Ceiling available for allocation hereunder shall be revised in accordance with the provisions of Section 146 of the Code.

Section 19. Allocation Procedure. Allocations of the State Ceiling shall be granted by the Authority in response to applications filed with the Authority by any issuer in the following manner:

(1) Each application shall be made by an instrument in writing signed by an officer or agent of the issuer and shall contain (i) the names and addresses of the issuer, the proposed lessee, purchaser or user of the project to be financed (if applicable), and bond counsel, (ii) the maximum principal amount of Affected Bonds proposed to be issued, (iii) a brief description of the project to be financed, and (iv) a brief description of the Affected Bonds proposed to be issued, identifying such bonds as "Exempt Facility Bonds," "Qualified Mortgage Bonds," "Qualified Small Issue Bonds" (and if "Qualified Small Issue Bonds," further indicating whether the project to be financed constitutes a Manufacturing Facility), "Qualified Student Loan Bonds," or "Qualified Redevelopment Bonds." In addition, a copy of any notification required by law to be filed with the Alabama Securities Commission in connection with the issuance of the bonds which are the subject of the application shall also be filed with the Authority together with the application. Applications shall also include such other information as may be required by the Authority. All applications shall be mailed or otherwise delivered to the Authority at such address and in such manner as may be specified by the Authority.

(2) Each application and each request for an extension of an allocation shall be accompanied by an administrative fee in such amount as may be determined by the Authority.

(3) All applications shall be processed and all allocations shall be made by the Authority in accordance with the provisions of Sections 17 through 25 of this act.

(4) Each allocation of State Ceiling granted by the Authority prior to December 1 of any calendar year shall expire upon the earlier of (i) midnight of the day which is sixty (60) calendar days following the date of the allocation, or (ii) midnight on November 30 of the calendar year in which the allocation is made, unless a notification confirming issuance of the bonds has been received by the Authority as described in subdivision (5) below, subject to extension for such period as may be permitted at the discretion of the Authority for good cause shown. Any application which has expired may be renewed by resubmission of a new application. Any allocation granted by the Authority on or after December 1 of any year shall expire at such time as may be designated by the Authority in such allocation. The foregoing provisions of this section shall not apply to carryforward allocations, which shall be effective for the period provided in Section 146(f)(3) of the Code.

(5) Every allocation shall be subject to the condition subsequent that a notification confirming the issuance of bonds pursuant to such allocation must be received in the office of the President of the Authority within such

period of time following the date of issuance of the bonds as may be designated by the Authority. The confirmation required hereby may be executed by any officer, representative or agent of the issuer and shall be effective upon receipt at the office of the President of the Authority. Failure to provide a confirmation shall cause a revocation of the allocation for which the confirmation is required, subject to waiver of such revocation by the Authority in its discretion.

(6) On December 1 of each calendar year, any previously allocated portion of the State Ceiling for which a confirmation of issuance has not been received by the Authority as required by subdivision (5) above shall revert to the Authority, to be allocated along with any other portion of the State Ceiling then available, to issuers of Affected Bonds at the discretion of the Authority. Applications for allocations to be made during the month of December shall be submitted to the Authority in the manner required in subdivisions (1) and (2) above.

Section 20. Allocation Formula. The State Ceiling for calendar year 1988 (less such portion thereof, if any, as may be utilized in connection with the issuance of any Affected Bonds between January 1, 1988, and the date of adoption of this act) and thereafter is hereby allocated in its entirety to the state, and after the date of adoption of this act no other governmental unit, issuer, or other entity of any type shall have or utilize any portion of the State Ceiling for such year except in accordance with the provisions of Sections 17 through 25 of this act. The State Ceiling shall be redistributed by the Authority to issuers of Affected Bonds in the chronological order of receipt of completed applications, subject to the limitations, reservations and further provisions of this section.

(1) There is hereby reserved for Alabama Housing Finance Authority thirty percent (30%) of the State Ceiling for each calendar year, to be used for the issuance of Exempt Facility Bonds for Qualified Residential Rental Projects and for the issuance of Qualified Mortgage Bonds, in such relative principal amounts as shall be determined by the Board of Directors of Alabama Housing Finance Authority. The reservation of State Ceiling hereby granted to Alabama Housing Finance Authority shall extend until December 15 of each calendar year. Any portion thereof which shall remain unused as of 5:00 p.m., Central Standard Time, on December 15, shall revert to the Authority and shall be available for reallocation under subdivision (5) below.

(2) There is hereby reserved for the Alabama Higher Education Loan Corporation fifteen percent (15%) of the State Ceiling for each calendar year, to be used for the issuance of Qualified Student Loan Bonds. The reservation of State Ceiling hereby granted to the Alabama Higher Education Loan Corporation shall extend until December 15 of each calendar year. Any portion thereof which shall remain unused as of 5:00 p.m., Central Standard Time, on December 15, shall revert to the Authority and shall be available for reallocation under subdivision (5) below.

(3) Subject to the provisions of subdivision (6) below, thirty-three and one-third percent (33-1/3%) of the State Ceiling for each calendar year is hereby reserved for issuers of Qualified Small Issue Bonds which are issued to finance Manufacturing Facilities.

(4) Subject to the provisions of subdivision (6) below, sixteen and two-thirds percent (16-2/3%) of the State Ceiling for each calendar year is hereby reserved for issuers of Exempt Facility Bonds.

(5) The remaining five percent (5%) of the State Ceiling for each calendar year not provided for in subdivisions (1), (2), (3), and (4) above, together with any amounts which shall revert to the Authority under subdivision (6) of Section 19 of this act or subdivisions (1) and (2) above, is hereby reserved for the Authority, to be allocated to issuers of Affected Bonds in the discretion of the Authority.

(6) If, in its sole judgment, the Authority shall determine that inefficient use has been or is being made of the reservations contained in subdivisions (3) and (4) above, or if it shall determine for any other reason that such reservations are inappropriate, the Authority may, from time to time, reallocate all or any part of such reservations in accordance with subdivision (4) above.

Section 21. Carryforward Allocation Procedure. Applications for Carryforward Allocations may be submitted to the Authority on or after December 1 of each calendar year. The Authority shall grant such Carryforward Allocations in its sole discretion, giving due regard to the likelihood of the use of the remaining State Ceiling prior to December 31 of such year, and shall use its best efforts to assure that any remaining and unallocated State Ceiling is used to satisfy applications for Carryforward Allocations.

Section 22. Rules, Policies, Regulations and Forms. The Authority may do all other things necessary or desirable to carry out the purpose of the provisions of Sections 17 through 25 of this act, including the establishment of fees to be paid with each application. The Authority is hereby empowered to adopt and promulgate such rules, policies, regulations and forms as it may deem necessary or desirable to carry out the purposes of the provisions of Sections 17 through 25 of this act. The Authority is hereby specifically authorized to adopt such rules and regulations, including rules and regulations limiting the principal amount of allocations to be granted to local issuers, **as it may determine to be necessary or desirable to promote the fair and efficient distribution of the State Ceiling among local issuers.** The Authority shall have the power to employ attorneys, agents or such other persons or entities as necessary to assist the Authority in the administration of its duties hereunder.

Section 23. Designation of Official for Certifications. The President of the Authority is hereby designated as the state official authorized to make the certifications required by Section 149(e)(2)(F) of the Code.

Section 24. Notification of Bonds Issued Prior to Adoption of Sections 17 through 25. No later than thirty (30) days subsequent to the effective date of this act, each issuer who has issued any Affected Bonds during the period from January 1, 1988, to the effective date of this act, shall provide a written notice to the Authority containing such information with respect to such Affected Bonds as the Authority may reasonably request.

Section 25. Confirmation of Prior Allocations. All allocations and carryforward allocations of State Ceiling applicable to the state made prior to the effective date of this act, pursuant to Executive Orders of the Governor of the state, and all allocations of State Ceiling made with respect to bonds for which a notification is properly filed with the Authority as required by Section 24, are hereby ratified and confirmed.

Section 26. Severability Clause. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 27. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 30; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley	
Barron	Covington	Goodwin	Mitchem	
Bedford	deGraffenried	Hale	Preuitt	
Bedsole	Dial	Hand	Rice	
Bennett	Dixon	Hilliard	Sanders	
Bishop	Drinkard	Holmes	Smith (B)	
Cabaniss	Ellis	Horn	Smith (J)	
Campbell	Figures	Langford		—30

Nays: —0

And said Bill, S. B. 465, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 28; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Mitchem	
Barron	Denton	Hale	Parsons	
Bedford	Dial	Hand	Preuitt	
Bedsole	Drinkard	Hilliard	Rice	
Cabaniss	Ellis	Holmes	Sanders	
Campbell	Figures	Horn	Smith (B)	
Corbett	Foshee	Manley	Smith (J)	
Covington				—28

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 834, adopted.

Yeas 30; Nays 1.

Yeas:

Senators:	Campbell	Figures	Manley	
Bailey	Covington	Foshee	Mitchem	
Barron	deGraffenried	Hale	Preuitt	
Bedford	Denton	Hand	Rice	
Bedsole	Dial	Hilliard	Sanders	
Bennett	Dixon	Holmes	Smith (B)	
Bishop	Drinkard	Horn	Smith (J)	
Cabaniss	Ellis	Langford		—30

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

H. 834. To make an appropriation from the State General Fund to the Alabama Academy of Honor for the fiscal year ending September 30, 1988 and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

was read a third time at length and passed.

Yeas 33; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford
Amari	Corbett	Foshee	Manley
Bailey	Covington	Goodwin	Mitchem
Barron	deGraffenried	Hale	Preuitt
Bedford	Denton	Hand	Rice
Bedsole	Dial	Hilliard	Sanders
Bennett	Dixon	Holmes	Smith (B)
Bishop	Drinkard	Horn	Smith (J)
Cabaniss	Ellis		

—33

Nays: —0

MOTION RECONSIDERED

On motion of Senator deGraffenried, the Senate reconsidered the vote by which the motion was adopted that when the Senate adjourns today, it adjourn until Friday, April 1, 1988, at 12:01 A.M.

Yeas 21; Nays 9.

Yeas:

Senators:	Denton	Goodwin	Mitchem
Bailey	Dial	Hale	Preuitt
Barron	Dixon	Hand	Rice
Bedsole	Drinkard	Horn	Sanders
Cabaniss	Ellis	Manley	Smith (B)
deGraffenried	Figures		

—21

Nays:

Senators:	Bennett	Foshee	Holmes
Amari	Corbett	Hilliard	Langford
Bedford	Covington		

—9

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolution delivered to the Governor, with the date and hour of delivery, to-wit:

JOURNAL OF THE SENATE, 1988
19th Day

S. J. R. 147

S. B. 105

S. B. 76

S. B. 80

S. B. 90

S. B. 207

S. B. 74

S. B. 82

Delivered to the Governor March 31, 1988, at 11:10 A.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 5:55 P.M., on motion of Senator deGraffenried, the Senate adjourned until Tuesday, April 5, 1988, at 11 o'clock A.M.

TWENTIETH LEGISLATIVE DAY

TUESDAY, APRIL 5, 1988

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by the Reverend Billy Walker, Sr., former Pastor, Grace Baptist Tabernacle, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Jimicka Lawhorn, McIntyre School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Figures	Manley
Amari	Corbett	Foshee	Menton
Bailey	Covington	Goodwin	Mitchem
Barron	deGraffenried	Hale	Parsons
Bedford	Denton	Hand	Preuitt
Bedsole	Dial	Hilliard	Rice
Bennett	Dixon	Holmes	Sanders
Bishop	Drinkard	Horn	Smith (B)
Cabaniss	Ellis	Langford	Smith (J)

—35

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Nineteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Nineteenth Legislative Day was approved by the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 465. To amend Sections 41-10-20, 41-10-22, 41-10-26, and 41-10-27 of the Code of Alabama 1975, relating to the State Industrial Development

Authority, so as to provide further for the composition of such authority, to authorize grants for infrastructures; to provide for matching grants and to permit contributions toward such grants; to permit adoption of guidelines for grants, and to set limits and conditions for the issuance of bonds; and to make legislative findings with respect to the need for additional powers of the State Industrial Development Authority; to provide definitions of certain terms; to grant additional powers to the Authority, including the power to issue notes, bonds and other forms of obligations for the purpose of financing industrial and commercial projects; to provide for the source of payment and security for such obligations; to provide for the means of execution of such obligations and for general provisions respecting the form, interest rate, maturity, sale and negotiability of such obligations; to declare that obligations of the Authority shall be legal investments; to provide for the use and disposition of the proceeds from the sale of obligations of the Authority and the revenues and receipts derived from project financings; to permit the issuance of refunding obligations; to provide for the publication of notice for the purpose of validating obligations of the Authority; to provide that the Authority, all income and property of the Authority and obligations issued by the Authority shall be exempt from taxation in the State of Alabama; to provide for exemptions from the usury and interest laws and the competitive bid laws of the State of Alabama; to provide that the Authority shall be free from the supervision and control of the state, except that the Authority shall be subject to audit by the Examiners of Public Accounts; to provide that the earnings of the Authority shall not inure to the benefit of any individual, firm or corporation; to expand further the powers of the Authority by providing for a method of allocating the "state ceiling" and authorizing the Authority to provide for the method of filing applications for allocations of a portion of the "state ceiling" made by the Authority applicable to tax-exempt bonds; to establish expiration and reversion dates for allocations of "state ceiling" and conditions subsequent to such allocations; to allocate the entire "state ceiling" to the state, subject to redistribution by the Authority; to reserve certain portions of the "state ceiling" for the use and benefit of Alabama Housing Finance Authority and Alabama Higher Education Loan Corporation; to provide for the allocation of portions of the "state ceiling" to issuers of small issue bonds for manufacturing facilities and for exempt facility bonds and for the allocation of a portion of the "state ceiling" at the discretion of the Authority; to impose certain limitations upon allocations made by the Authority to local issuers of affected bonds; to provide a procedure for carryforward allocations; and to designate the President of the Authority as the state official authorized to make certain certifications required under the Internal Revenue Code of 1986, as amended.

BILL DRINKARD,
Chairperson.

RULE 17 INVOKED

Senator Hand requested that Senate Rule 17 be invoked for today.

And the President and Presiding Officer of the Senate ordered Senate Rule 17 be invoked for today.

JOURNAL

Senator deGraffenried offered the following Motion in Writing, to-wit:

MOTION IN WRITING

I move we dispense with reading the Journal at length.

Which was adopted.

MOTION TO RECONSIDER

Senator Dixon offered the following Motion in Writing, to-wit:

MOTION IN WRITING

I moved to reconsider the motion to dispense with the reading of the journal at length.

Senator Foshee offered the following Motion in Writing, to-wit:

MOTION IN WRITING

I move to lay the motion to reconsider on the table.

Which was adopted.

Yeas 13; Nays 12.

Yeas:

Senators:	Corbett	Ellis	Holmes
Amari	deGraffenried	Foshee	Langford
Bishop	Denton	Goodwin	Menton
Campbell	Drinkard		

—13

Nays:

Senators:	Dial	Hand	Preuitt
Barron	Dixon	Horn	Rice
Bedsole	Hale	Mitchem	Smith (B)
Cabaniss			

—12

MOTION TO ADJOURN LOST

Senator Manley offered the following Motion in Writing, to-wit:

MOTION IN WRITING

I move when we adjourn today we adjourn to meet again on Thursday, April 7, 1988 at 10:00 A.M.

Senator Foshee offered the following substitute Motion in Writing, to-wit:

MOTION IN WRITING

When we adjourn we come in at 12:01 A.M. tomorrow, 4/6/88.

Which was lost.

Yeas 12; Nays 14.

Yeas:

Senators:	deGraffenried	Foshee	Holmes
Bishop	Denton	Goodwin	Langford
Campbell	Drinkard	Hilliard	Menton
Corbett			

—12

Nays:

Senators:	Dial	Hand	Preuitt	
Barron	Dixon	Horn	Rice	
Bedsole	Ellis	Manley	Smith (B)	
Cabaniss	Hale	Mitchem		—14

The question recurred on the motion of Senator Manley, and said motion was lost.

Yeas 14; Nays 16.

Yeas:

Senators:	Dial	Hand	Preuitt	
Barron	Dixon	Horn	Rice	
Bedsole	Ellis	Manley	Smith (B)	
Cabaniss	Hale	Mitchem		—14

Nays:

Senators:	deGraffenried	Foshee	Langford	
Amari	Denton	Goodwin	Menton	
Bishop	Drinkard	Hilliard	Parsons	
Campbell	Figures	Holmes	Sanders	
Corbett				—16

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senators Hale and Dixon:

S. 625. To amend Sections 25-9-2, 25-9-7, 25-9-8, 25-9-9, 25-9-10, 25-9-12, 25-9-14, 25-9-15, 25-9-17, 25-9-18, 25-9-20, 25-9-24, 25-9-27, 25-9-29, 25-9-40, 25-9-60, 25-9-61, 25-9-80, 25-9-82, 25-9-83, 25-9-84, 25-9-88, 25-9-89, 25-9-90, 25-9-110, 25-9-111, 25-9-131, 25-9-150, 25-9-152, 25-9-171, 25-9-174, 25-9-191, 25-9-210, 25-9-230, 25-9-231, 25-9-250, 25-9-251, 25-9-252, 25-9-271, 25-9-272, 25-9-361 and 25-9-365, Code of Alabama 1975, relating to coal mine safety, so as to provide further for the regulations regarding the duties of mine inspectors, mine examination reports, accompanying of inspectors on inspections by representatives of miners, certificates of competency for fire bosses and mine foremen, the composition of the board of examiners so as to certify competency for fire bosses and mine foremen, the examination fees, the qualifications for fire boss; provides a penalty for uttering false statements on applications for certificates of competency; provides for suspension, cancellation or revocation of certificates of competency, the qualifications of mine foremen in underground mines, the schedule of mine inspections; provides a penalty for failure to report and correct unsafe conditions, for the possession of controlled substances in or around the mines, the use of protective clothing; provides further for accidents and disasters, for mine gases and ventilation, for explosives and blasting, for underground fire prevention and control, electrical equipment, roof support, hoisting and haulage, operation and maintenance of machinery, surface structures and practices, surface mining operations, sinking of bald shafts, and for enforcement of the provisions of this act. Sections 25-9-2, 25-9-7, 25-9-8, 25-9-9, 25-9-10, 25-9-12, 25-9-14, 25-9-15, 25-9-17, 25-9-18, 25-9-20,

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25-9-24, 25-9-27, 25-9-29, 25-9-40, 25-9-60, 25-9-61, 25-9-80, 25-9-82, 25-9-83, 25-9-84, 25-9-88, 25-9-89, 25-9-90, 25-9-110, 25-9-111, 25-9-131, 25-9-150, 25-9-152, 25-9-171, 25-9-174, 25-9-191, 25-9-210, 25-9-230, 25-9-231, 25-9-250, 25-9-251, 25-9-252, 25-9-271, 25-9-272, 25-9-361 and 25-9-365, Code of Alabama 1975, are hereby amended to read as follows:

"§25-9-2. Unless the context clearly requires otherwise, as used in this chapter, the following terms have the following meanings:

"(1) **DIRECTOR.** The director of the department of industrial relations or such other public officer, employee, board, commission or other authority that may by law be assigned the duties and authority of the director of industrial relations under this chapter.

"(2) **CHIEF.** The chief of the division of safety and inspection of the department of industrial relations or such other public officer, employee, board, commission or other authority that may in emergencies be acting in the stead of the chief or may by law be assigned the duties and authority of the chief of the division of safety and inspection of the department of industrial relations.

"(3) **HEAD MINE INSPECTOR.** The employee of the division of safety and inspection in charge of mine inspection or such other public officer, employee, board, commission or other authority that may by law be assigned the duties and authority of the head mine inspector.

"(4) **MINE INSPECTOR.** A public employee assigned by the head mine inspector with the approval of the chief to make mine inspections as required by this chapter and other laws from time to time in such cases made and provided.

"(5) **SUPERINTENDENT.** The person placed in overall charge of the operation of a coal mine or mines.

"(6) **OPERATOR.** The owner, part owner, operator or lessee to whom the superintendent reports and is accountable for the operation. The operator may also be the superintendent.

"(7) **MINE FOREMAN.** A person holding a valid certificate of qualification duly issued by action of the board of mine examiners. ~~Such term also includes the person acting in the stead of a mine foreman appointed as provided under this chapter when a certified mine foreman is unavailable.~~

"(8) **SUPERVISOR.** Such term may be used to designate mine foremen, assistants, section foremen, trafficmen, maintenance foremen, etc., and is restricted in this chapter to mean those persons employed by the operator or superintendent to manage all or a part of the mine operations as long as such person has his or her own foreman certificate.

"(9) **FIRE BOSS.** A person holding a valid certificate of qualification duly issued by action of the board of mine examiners. ~~and also includes the person acting in the stead of a fire boss appointed as provided under this chapter when a certified fire boss is unavailable.~~

"(10) **APPROVED COMPETENT PERSON.** A person who has at least ~~nine~~ twelve months of practical experience, has knowledge of mine roof, timbering and ventilation, has good judgment ~~and who has demonstrated knowledge~~ of mine gases and use of permissible flame safety lamps, methane and oxygen detectors such demonstration to be given to a state mine inspector and made of record in a manner prescribed by the chief of the division.

~~“(11) APPROVED. A device, process, equipment or method approved by the chief; provided, that if any interested person so requests, the director shall review such approval.~~

~~“(12) PERMISSIBLE. A device, process, or equipment or method heretofore or hereafter classified by such term by the United States bureau of mines when such classification is adopted by the chief and includes, unless otherwise expressly stated in this chapter, all requirements, restrictions, exceptions, limitations and conditions attached to such classification by said bureau.~~

“§25-9-7. The duties of mine inspectors are to make examinations of mines to see that all the requirements of this chapter are strictly observed and carried out. They shall examine the equipment, works and machinery connected with said mines; examine into the state of coal mines as to transportation, ventilation, circulation and conditions of air, electricity, explosives, timbering, drainage, practices and general security and perform such other duties as are required by the director. At the commencement of any inspection of a coal mine as provided herein, the authorized representative of the miners at the mine at the time of such inspection shall be given an opportunity to accompany the mine inspectors on any such inspection. The authorized representative of the miners who accompanies a state inspector on such inspection shall not suffer a loss of pay. The mine inspectors shall make a record of all examinations of coal mines, showing the date when made, the condition in which the coal mines are found, the extent to which the laws relating to coal mines and mining are observed or violated, the progress made in the improvements and security of life and health sought to be secured by the provisions of this chapter, the number of accidents, injuries received or deaths in or about the coal mines, the number of persons employed in or by each coal mine, together with all such other facts and information of public interest concerning the condition of coal mines, development and progress of coal mining in this state as they may think useful and proper, and so much thereof as may be of public interest to be included in their reports. A comprehensive report of each inspection of each coal mine shall promptly be made by the chief to the operator, superintendent and mine foreman of said coal mine, and said report shall be posted in a conspicuous place at the mine. This report shall be on a form provided for that purpose and compiled by the said chief. The form may be changed by the chief from time to time, as may seem desirable. Any state inspector who fails to perform any duty imposed on him by this article shall be guilty of a misdemeanor.

“§25-9-8. (a) Except as otherwise provided in this chapter, no person shall act as fire boss in any coal mine in this state unless he is in possession of a his or her own certificate of competency.

“(b) No person shall be employed as mine foreman in any coal mine in this state unless he is in possession of a his or her own certificate of competency as provided for in this article.

“(c) No person shall be employed in this state as a supervisor of any kind unless such person has his or her own mine foreman certificate in possession.

“§25-9-9. There shall be appointed by the governor a board of examiners, all of whom shall hold Alabama mine foreman's certificates, consisting of the chief or the head mine inspector, as the director may designate, together with ~~two~~ three active practical miners, ~~two~~ three operators of coal

mines and one practicing mining engineer. The members of this board shall be appointed by the governor and shall hold office for three years and until their successors are appointed and qualified, and, as nearly as possible, ~~two~~ **three** members shall be appointed one year and ~~three~~ **four** the succeeding year. The chief or the head mine inspector shall be ex officio chairman of the board. The chairman shall vote only in the case of a tie vote, and, in the absence of one member of the board, a majority of whom shall act. In the event of the failure to have a quorum, the chairman shall have the authority to select a qualified person or persons. There shall be paid to each member of the board, except the ex officio chairman, who shall serve without extra pay, \$10.00 per day. Each board member shall also be entitled to the same per diem and travel allowance as is provided by law for state employees for each day's attendance at meetings of the board. Said board of examiners shall meet every six months at the office of the chief and shall remain in session not longer than eight days, and special meetings may be called by the chairman or a majority of the members of said board. The department shall preserve in its office a record of the meetings and transactions of the board and all certificates issued and revoked.

"§25-9-10. The board of examiners created by section 25-9-9 shall examine qualified applicants and give certificates of competency to persons who pass the required examinations to act as mine foremen or fire bosses in any coal mine in this state. A fee to be established by the board, not to exceed ~~\$20.00~~ **\$25.00**, shall be charged for each examination given by the board, and such fee shall be paid to the treasury of the state before the examination is begun. The examinations shall be conducted under such uniform rules, conditions and regulations as the board shall deem most efficient for carrying into effect the spirit and intent of this chapter. Such rules, when formulated, shall be made a part of the permanent record of the board, and such of them as relate to candidates shall be published for their **information and governance prior to each examination**. Such rules shall be of uniform application to all candidates.

"§25-9-12. Each applicant for a fire boss's certificate of competency shall meet the same qualifications as those for a mine foreman; except that three years' practical experience in or around coal mines is substituted for the requirements of subdivision (3) of section 25-9-11, and at least one of the persons signing the affidavit shall be holder of a fire boss's or a mine foreman's certificate. Further, any certified fire boss who has four years experience as a certified fire boss shall not be required to retake the mine foreman certificate test.

"§25-9-14. Any person who shall forge or counterfeit a certificate or knowingly make or cause to be made any false statement in any certificate or competency provided for in this chapter or in any official copy of the same, or who shall utter or use any false certificate or unofficial copy thereof or shall make, give, utter, produce or make use of any false declaration, representation or statement in any such certificate or copy thereof or any document containing the same or shall make any false statement or misrepresentation in his application before the examining board for any certificate, shall be guilty of a misdemeanor, and his certificate shall be cancelled or annulled by the examining board. Further, such person shall be ineligible to take the mine foreman test for a period of one year.

"§25-9-15. The certificate of any person may be cancelled or revoked by the board of examiners, whenever it shall be established to the satisfaction of said board that the holder thereof has become unworthy of official

endorsement by reason of violation of this chapter, intemperate habits, manifest incapacity, abuse of authority or for other causes satisfactory to said board. This action shall not reflect guilt in any way. Any person against whom charges are made shall have an opportunity to be heard in his own behalf. He shall have at least 30 days' notice in writing of such charges by the ex officio chairman, and, if the holder of a certificate is convicted on the hearing of such charge of violating any part of this chapter, his certificate shall be revoked by the board. The director, after a thorough investigation, ~~may~~ shall suspend such holder pending a meeting of the board of examiners and its final action. If said mine foreman certificate holder is found guilty by the board of mine examiners there shall be a minimum of one year before reapplying for a mine foreman's certificate.

~~"§25-9-17. Except as otherwise provided in this chapter, no person shall act as fire boss in any coal mine in this state unless he or she is in possession of a his or her own certificate of competency. Anyone holding a mine foreman's certificate of competency may serve as fire boss. Whenever any exigency arises by which it is impossible for any operator, owner or lessee to secure the immediate service of a certified mine foreman or fire boss, he may employ a person who has the same qualifications by experience, concurred in by the chief or mine inspector delegated by the chief, to act as temporary mine foreman or fire boss for a period not to exceed 15 days. The requirements for a temporary mine foreman or fire boss shall be no more severe than those contained in federal regulations.~~

"§25-9-18. No person shall be employed as mine foreman in any underground coal mine in this state unless he or she is in possession of a certificate of competency as provided for in this chapter. Further, no person shall be employed as mine foreman or other type of supervisor unless he or she is a holder of the mine foreman certificate.

"§25-9-20. Mines shall be given one complete inspection every 45 30 days, and more often if necessary. Special or partial or complete inspections shall be made when deemed necessary by the chief. Each belt conveyor in operation shall be patrolled and examined during the course of each shift.

"Such mine examiner shall place his initials and the date and time at all places at a distance no greater than 500 feet apart that he or she patrols and examines.

"If such mine examiner finds a condition which constitutes a violation of a mandatory health or safety standard or any condition which is hazardous to persons who may enter or be in such area, he shall indicate such hazardous place by posting a 'danger' sign conspicuously at all points which persons entering such hazardous place would be required to pass, and shall notify the operator of the mine. No person, other than an authorized representative of the chief of safety and inspections or persons authorized by the operator to enter such place for the purpose of eliminating the hazardous condition therein, shall enter such place while such sign is so posted. Upon completing his examination, such mine examiner shall report the results of his examination to a person, designated by the operator to receive such reports at a designated station on the surface of the mine, before other persons enter the underground areas of such mine work in such shift. Each such mine examiner shall also record the results of his examination with ink or indelible pencil in a book approved by the chief of safety and inspections kept for such purpose in an area on the surface of the mine chosen by the operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

"§25-9-24. Unsafe conditions, known to any persons underground, that cannot be corrected by them in the course of their normal duties, shall be promptly reported to the mine foreman or direct supervisor. The supervisor to whom unsafe conditions are reported or who detects them in the course of his duties shall be responsible for seeing that they are corrected promptly and that exposure to danger of any person is prevented except as necessary in correcting the condition. Failure to comply with this article shall be a Class C felony.

"§25-9-27. Whoever shall, while under the influence of intoxicating liquor or any controlled substance, enter any coal mine or any of the buildings connected with the operation of same within the state, where miners or other workmen are employed, or whoever shall carry intoxicating liquors into the mines or possess any controlled substance while in or around the same shall be guilty of a misdemeanor.

"§25-9-29. Any person acting as coal mine superintendent, mining engineer, other official or supervisor who gives orders that will require violation of this chapter, shall be guilty of a ~~misdemeanor~~ felony.

"§25-9-40. (a) Welders and helpers shall use proper shields or goggles to protect their eyes.

"(b) Employees engaged in haulage operations and other persons employed around moving equipment on the surface and underground shall wear snug-fitting clothing.

"(c) Protective gloves shall be worn when material which may injure the hands is handled, but gloves with gauntleted cuffs shall not be worn around moving equipment.

"(d) ~~Men exposed for short periods to gas, dust, fume and mist inhalation hazards shall wear permissible respiratory equipment.~~ When the exposure is for prolonged periods, other measures to protect workmen or to reduce the hazard shall be taken.

"(e) Any person handling medium or high voltage electrical cable shall wear adequate gloves.

"§25-9-60. (a) Each mine shall have an adequate supply of first aid equipment to be used only in case of injury to employees or on the job sickness. These supplies shall be located at points on the surface, at the bottom of main shafts and main slopes, if over 1,000 feet from the surface, and at other suitable locations convenient to each working section. One stretcher and one broken-back board (or a splint-stretcher combination), 24 triangular bandages (or 15, if a splint-stretcher combination is used), eight four-inch bandage compresses, 12 one-inch adhesive compresses, an adequate approved burn remedy, two cloth blankets, one rubber blanket or equivalent substitute, two tourniquets, one one-ounce bottle of aromatic spirits of ammonia or one dozen ammonia ampules and necessary complements of arm and leg splints or two each inflatable plastic arm and leg splints shall be kept at each location designated and shall be accessible to the miners.

"(b) No person shall tamper with or remove any first aid supplies other than for use in caring for injured persons and those who become sick while in the mine.

"(c) When an injury occurs, prompt first aid shall be given, and, if immediate medical attention is indicated, a doctor shall be notified and the

injured person brought to the surface without delay other than the time needed for rendering first aid. Any person injured sufficiently to deprive him of complete control of his faculties or limbs will be adequately attended by designated persons until he is brought to the surface and turned over to a doctor.

“(d) Each employee shall promptly notify his supervisor of all injuries.

“(e) There shall be first aid training for all employees.

“§25-9-61. (a) Each operator shall report promptly to the chief of the division the occurrence at any mine of any fatal accident or accident involving serious personal injury to any person or persons, whether employed or not. The scene of the accident shall not be disturbed pending an investigation except to prevent suspension of use of a slope, entry or facility vital to the operation of a section of a mine. In cases where reasonable doubt exists as to whether to leave the scene unchanged, the operator shall secure prior approval from the chief before any changes are made. Further, the mine health and safety committee shall be notified. Said Committee shall investigate as soon as possible.

“(b) The chief shall go personally or dispatch one or more mine inspectors to the scene of the accident or accidents, investigate causes and issue such orders as may be needed to insure safety of other persons.

“(c) Representatives of the operator shall render such assistance as may be needed and shall act in a consulting capacity at the investigation. An employee designated by the employees of the mine shall be notified and as many as three employees designated as representatives of the employees ~~may~~ shall be present at the investigation in a consulting capacity.

“(d) The division shall render a complete report of circumstances and causes of each accident investigated and shall make recommendations for prevention of similar accidents. The division shall furnish one copy of the report to the operator and one copy to the employee representative when he has been present at the investigation. The chief of the division shall maintain a complete file of all accident reports and may give such further publicity as ordered by the director in an effort to prevent coal mine accidents.

“§25-9-80. (a) All main fans shall be installed on the surface, in fireproof housings, the fan situated not less than 30 feet from its air shaft or air course and on one side of the line of such opening so that the fan will not be in direct line of the force of a blast or explosion. The air duct connecting the fan with the mine opening shall be fireproof and provided with self-closing explosion doors.

“(b) In mines ventilated with multiple fans, each main fan shall be equipped with fireproof doors automatically closing in the event of a fan failure to prevent air reversal through the fan.

“(c) Every main fan installed ~~after August 12, 1949,~~ ventilating a mine classed as gassy, must have an auxiliary drive mechanism that will operate the fan at not less than 80 percent of its regular volume. Dual fan installations, independently powered so that one is operative at 80 percent of regular volume during electrical failures, meet this requirement.

“(d) All main fans are required to be provided with a pressure-recording gauge, or water gauge, and, unless attended constantly, an automatic device to give alarm when the fan slows down or stops. This device shall be placed so that its alarm will be seen or heard by a responsible person.

"(e) Each main fan ventilating all or part of a mine shall be on a separate power circuit, independent of the underground circuit.

"(f) Main fan installations shall be protected from wood fire, grass fire and rubbish fire for at least 100 feet in all directions from the fan installations, where physical conditions permit.

"(g) The main fan shall be inspected daily and a record kept of the inspection. This inspection may be made by ~~any~~ a fully trained competent person so designated.

"(h) In mines, when the main fan fails or stops, immediate action shall be taken to cut off power from the mine or the area of the mine ventilated by that main fan, and the men shall be withdrawn from the face regions. If ventilation is restored in a ~~reasonable time~~ 15 minutes, the face regions and other places where methane is likely to accumulate shall be reexamined by a certified persons, and, if ~~found to be~~ free from explosive gas, power may be restored and work resumed. If the interruption continues for ~~an indefinite or extended period~~ more than 15 minutes, all underground employees shall be ~~removed from the mines, required to leave the mine or the part of the mine ventilated by the main fan that is out of operation.~~ Under no condition will coal be mined or hauled on auxiliary power. The auxiliary power will only be for the protection of the men underground in order for them to travel from the face to the outside. Further, even where two fans are operated, after 15 minutes of the power loss, the men will be brought out. Additionally, all electrical power underground shall be pulled when fans are on auxiliary power. Mines ventilated by more than one main fan shall be considered as having only one fan in the application of this section unless all returns to the fans are entirely separated and escapeways to the surface are available from the areas ventilated by other fans without necessity for any person passing through any area not properly ventilated.

"(i) **Main fans ventilating mines shall be operated continuously, except when the mine is shut down with all power underground cut off and with all men out of the mine. When the fan is started again, the mine shall be examined for gas and other hazards by certified persons and declared safe before underground power may be restored and men other than the examiners permitted to enter the mine, provided however, that a period of one hour shall pass before the examiners are allowed to enter the mine.**

"§25-9-82. (a) Air in which men work or travel must promptly be improved if it contains less than 19.5 percent oxygen, more than one percent carbon dioxide or is contaminated with noxious or poisonous gases.

"(b) If the air immediately returning from a split that ventilates any active workings contains more than one percent methane or more, the ventilation shall be improved, and, if it contains 1.5 percent or more of methane, the power shall be cut off from the portion of the mine affected, and the employees shall be required to withdraw until ventilation is improved.

"(c) Face work must be stopped, power to face equipment cut off and the employees ordered and required to withdraw until ventilation is improved, whenever ~~one~~ 1.5 percent or more of methane can be detected on an approved type methane detector or whenever gas can be detected on a permissible flame safety lamp at any point not less than 12 inches from the roof, face or rib. This does not apply to other faces in the entry or slope in which work can be safely continued. The state chief or his authorized representative shall require, as an additional device for detecting concentrations of methane,

that a methane monitor, approved as reliable, be installed on any electric face cutting equipment, continuous miner, loading machine, and longwall face equipment. When installed on any such equipment, such monitor shall be kept operative and properly maintained and frequently tested as prescribed by the chief. The sensing device of such monitor on working sections shall be installed as close to the working face as possible and near the roof. The sensing device of such monitor on longwall sections shall be installed on the shear, at the tailgate near the roof and also at the tailgate near the mine floor. Such monitor shall be set to deenergize automatically the equipment when the methane reaches a percentage of 1.0 volume per centum of methane.

“(d) When entries or faces are stopped on account of gas for ventilation to be improved, only employees designated to work on improving the ventilation under competent direction may be permitted in the affected area. Power shall not be restored until ventilation is improved.

“(e) Flame safety lamps will be used for detecting oxygen deficiency only.

“§25-9-83. Sufficient air must be circulated and conducted through all entries, slopes, travelways, working places, air courses and open abandoned areas to dilute, render harmless and carry off noxious and explosive gases emitted in the mine, including smoke from blasting, and shall be not less than 150 300 cubic feet per man per minute. If mules or horses are used in a mine, 500 cubic feet per animal per minute must be provided in addition to the minimum volume specified for men.

“§25-9-84. (a) Two available openings to the surface are required from each seam or stratum of coal worked. In drift or slope mines, such openings provided after August 12, 1949, must be separated by not less than 40 feet of natural strata, and all crosscuts between them shall be closed with stoppings of fireproof material. In shaft mines, such openings provided after August 12, 1949, must be separated by not less than 200 feet of natural strata. The second opening may be made through an adjoining mine. Until these provisions are met, not over five men in a drift, 10 men in a slope and 20 men in a shaft shall work in the mine at one time, and no additional development shall be permitted until the connection is made to the second opening. In mines wherein final pillar robbing operations necessitate closing the second opening, the above limitations as to the number of men permitted to work will apply until the mine is worked out and abandoned.

“(b) Both openings shall be kept in good condition and shall at all times be reasonably safe and convenient for entering and leaving the mine. At all points where the passageway to the escapeway or escapement shaft is intercepted by roadways, entries or other passageways, conspicuous signboards shall be placed indicating the direction to the place of exit.

“(c) Not more than 80 persons may be assigned or permitted to work on any split of air.

“(d) Stations or rooms containing electrical transformers, rectifiers, motor generator sets, battery chargers, permanent pumps or air compressors, control rooms and such other stationary and semipermanent equipment as would endanger lives of employees in event of equipment fire shall be ventilated by a separate split of air, returning directly to the surface. Sectional type portable power centers, portable battery chargers, portable transformers and distribution centers which are essentially fireproof are not required to be placed on separate splits of air but must be stationed in well ventilated places out by last open crosscuts.

“(e) Changes in ventilation that may affect the safety of the men shall be made when the mine is idle. Only those men and supervisors engaged in major ventilation changes will be permitted in the mine during the change. A major ventilation change will be considered to be a change of 9,000 CFM or more.

“(f) In mines, the doors, other than man doors, used for deflecting and conducting the ventilation shall be installed in pairs in a manner approved by the division. They shall be so spaced as to prevent interruption to the regular coursing of air, and they shall be hung and maintained so that they will be self-closing by gravity or by effective mechanical means. An emergency door, to be used in case of damage to a regular door, shall be provided at all points where doors are in use.

“(g) Mine doors in use must not be propped or latched open or by any other means used to be prevented from being self-closing.

“(h) Proper breaks-through shall be made in all pillars as necessary to meet ventilation requirements at the working faces. The maximum distance between breaks-through shall be 105 feet and closer when required by the chief of the division. Permission to exceed 105 feet between breaks-through may be granted by the chief of the division only in exceptional conditions or where longwall or modern systems of mining require a greater distance and must be in writing. Requests for permission must be initiated by the operator and recommended by the mine inspector.

“(i) On entries, stoppings in crosscuts between intakes and returns shall be built solidly, substantially and of incombustible material.

“(j) Dead ending of rooms, slopes or entries in mines classed as gassy is prohibited unless it is manifestly impracticable to drive crosscuts at or close to faces.

“(k) **Workings shall not be turned off slopes or entries in by the last crosscut; except, that the places may be necked during development of slopes and entries and when good mining practice justifies the practice in order to establish a main airway.**

“(l) Line brattice and ventilation tubing used to conduct air to the faces of working places shall be substantially erected and shall be of flame-resistant materials.

“(m) In the event that diffuser or auxiliary fans and tubing are used in lieu of or in conjunction with a line brattice system to provide ventilation of the working face:

“(1) The fan shall be of a permissible type, maintained in permissible condition, so located and operated to avoid any recirculation of air at any time and inspected frequently by a certified person when in use.

“(2) In places where auxiliary fans are used, accumulations of methane resulting from unscheduled stoppage of the main fan shall be removed after restoration of normal mine ventilation by conducting air current into the place with line brattice or equivalent. Auxiliary fans shall not be operated in such place during stoppage of normal mine ventilation and until methane accumulations have been removed.

“(3) If the auxiliary fan is stopped or fails and the ventilation of the working face is inadequate, the electric equipment in the place shall be stopped and the power disconnected at the power source until adequate

ventilation is restored. During such stoppage the ventilation shall be by means of the primary air current conducted into the place in a manner to prevent an accumulation of methane. Adequate ventilation will be considered a 3,000 CFM or more if needed to move the methane or dust.

“(4) In places where auxiliary fans are used, the ventilation during scheduled idle periods such as weekends and idle shifts shall be by means of the primary air current conducted into the place in a manner to prevent accumulation of methane.

“(5) If the air passing through the auxiliary fan or tubing contains one percent or more of methane, the provisions of subsection (b) of section 25-9-82 shall be applied.

“(6) To insure that an adequate volume and velocity of air are supplied continuously to the working face where auxiliary fan and tubing are used for face ventilation, a line brattice or other approved device shall be installed before the auxiliary fan is stopped.

“(7) All face ventilation systems using auxiliary fans and tubing or machine-mounted diffusers approved by the mining enforcement and safety administration shall be filed with the chief of the division.

“(8) Any variance in the above diffuser and auxiliary fan and tubing use must be approved in writing by the chief of the division.

“(n) Overcasts shall be constructed tightly of incombustible materials and of sufficient strength to withstand falls of roof, or protected against falling roof, and shall be of ample area to pass the required volume of air.

“§25-9-88. (a) The operator of each coal mine shall send to the division a report monthly, or more often if necessary, showing the amount of ventilation and methane content at the inlet and outlet, the amount of ventilation and the methane content of return air at or near the last crosscut in each working entry, the number of splits and the number of men and animals on each split and the places gas has been detected in old workings. The report shall include a record of the pressure gauge readings at the fan.

“(b) A prompt report, by the quickest available means, must be made by the operator to the division upon detection of any dangerous accumulation of methane in any coal mine, whether accompanied by explosion or not. This report shall state precautions taken to safeguard employees and action taken or planned to remove the dangerous accumulation. The division shall issue such supplementary orders as may be indicated and dispatch one or more inspectors promptly to the mine if the circumstances warrant.

“(c) A report shall be made by the operator to the division prior to opening any new or reopening any abandoned coal mine or abandoning any coal mine, or change in the operator or name of a mine.

“(d) A report shall be made by the operator to the division when the workings of any coal mine are approaching an abandoned coal mine, shaft or other underground passages that are known to contain or may contain dangerous accumulations of water or gas.

“(e) A report shall be made by the operator to the division upon the accidental closing or prior to the intended abandonment or closing of any passageway to an escapement outlet.

“(f) A report shall be made by the operator to the division before breaking through any opening into a coal mine whether from or to the surface or through other mine shafts or other passages.

“§25-9-89. When workings are being driven toward any worked out and inaccessible or abandoned area or a shaft, that may contain accumulations of gases or water and cannot be inspected, they shall be narrowed to eight feet or less in width. Persons driving these workings shall constantly keep one bore hole near the center of the working and 20 to 50 feet in advance and one bore hole 15 feet deep in each rib at a 45 degree angle and at intervals of six feet as the face is advanced. These test holes shall not be used for blasting. Separate blasting holes, not over four feet deep, must be drilled. These precautions must begin at least 100 feet from the probable source of danger.

“§25-9-90. Each employee shall promptly inform his supervisor or the mine foreman of damage to or unsafe condition of any ventilation appliance when known by the employee or of any obstruction in air passages or other interference with normal ventilation of which he has knowledge. The supervisor or mine foreman who knows of or to whom such damage or unsafe condition is reported is responsible for prompt correction. Any supervisor that fails to act promptly shall be liable and charged with a misdemeanor.

“§25-9-110. (a) Coal dust shall not be allowed to accumulate excessively along conveyor lines, roadways, at loading points or at underground tipples, but shall be loaded and sent out of the mines. Coal dust in ~~dangerous quantities in~~ abandoned areas shall, where practicable be rendered inert.

“(b) Where mining operations raise an excessive amount of dust into the air currents, water or water with a wetting agent added to it or other effective methods shall be used to allay such dust at its source by adding air.

“(c) The immediate return air course of a longwall section shall be continuously rock dusted while coal is being mined, cut or loaded. Dusting shall be performed with a duster run by compressed air and shall expel 250 pounds of rock dust per pass.

“§25-9-111. (a) Rock dust to be used to render coal dust inert shall come within the following specifications:

“Combustible matter not more than five percent by volume, quartz or free silica particles not more than five percent by volume, and not unduly absorbent of moisture and preferably light in color. Rock dust shall be pulverized so that 100 percent will pass through a 20 mesh screen and 70 percent or more will pass through a 200 mesh screen.

“(b) Rock dust shall be applied and maintained upon the top, floor and sides of all open places, passages and haulageways in such quantities that the incombustible contents of mine dust that could initiate or propagate an explosion will not be less than 65 percent, but the incombustible content in the return air courses shall be no less than 80 percent. Rock dust shall be so applied and maintained to include the last open breakthrough of rooms and entries and to within 40 feet of the faces or closer if necessary.

“(c) In back entries and air courses, rock dust barrier protection in lieu of generalized rock dusting may be authorized by the chief of the division upon request by the operator. The chief of the division will prescribe the methods of protection that may be substituted.

“(d) Where methane is present in any ventilating current, the percentage of incombustible content shall be increased one percent and four-tenths percent for each one-tenth percent of methane where 65 and 80 percent, respectively, of incombustibles are required.

“(e) Mines or locations in mines that are too wet or too high in incombustible content for a coal dust explosion to initiate or propagate are not required to be rock dusted during the time such conditions prevail.

“(f) There shall be no rock dusting when the men are inby.

“§25-9-131. (a) Separate surface magazines shall be provided for the storage of explosives and detonators and shall be kept in good repair.

“(b) Magazines shall be constructed of or covered with fire and weather resistant material, shall be reasonably bullet proof and shall have no metal or sparking material exposed inside the magazine. When a magazine is used for more than one type of explosive, each type shall be stored separately.

“(c) The only openings shall be doors for entrance, which shall be securely locked when unattended, and properly screened vents.

“(d) If artificial light is needed, only an electric flashlight, electric lantern or electric cap lamp shall be used. Smoking, carrying of smokers' articles or open flame are prohibited in or within 25 feet of any magazine. Combustible materials, including rubbish and dry grass, shall be kept clear of any magazine for a distance of 25 feet in all directions.

“(e) Other material shall not be stored with explosives or detonators and metallic tools shall not be used for opening containers of explosives.

“(f) Distributing magazines, constructed of two inch hardwood, or metal lined with nonsparking material or an equivalent may be used for storage or distribution of not more than 125 pounds of explosives or 5,000 detonators. No magazine shall be placed in a building containing any highly flammable material or waste and shall be at least 20 feet from a stove, furnace, open fire or flame.

“(g) All magazines shall be not less than 200 feet from any mine opening, unless effectively barricaded, and suitable danger signs shall be placed near all magazines.

“(h) Surface storage magazines shall have clean visible signs on them as to what is stored in such magazines and such signs shall be constructed of bullet proof material.

“§25-9-150. (a) No person shall build a fire or cause a fire to be built in any coal mine, except as provided hereinafter.

“(b) Torches may be used by competent persons in mines for splicing trailing cables, provided suitable precautions are taken against ignition of methane, coal dust or combustible materials. Torches must be maintained at all times in good operating condition and leakproof.

“(c) Welding and burning may be done in mines provided all equipment and gauges are maintained in good order and not abused and suitable precautions are taken against ignition of methane, coal dust or combustible materials. Only persons who have demonstrated competence in welding and burning are entrusted to do this work. Adequate eye protection will be used by all persons doing welding or burning, and precautions shall be taken to prevent other persons from exposure that might be harmful to their eyes.

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"Certified officials or approved competent persons shall examine for gas with approved methane detectors before welding or burning and at 20-minute intervals until work is complete.

"(1) The panline will be raised up off the mine floor by jacks or other means as much as is possible depending on the location and cribbed against falling during work.

"(2) Both sides of the panline, at the work area, will be shoveled to remove all loose coal which could restrict air movement. Shovel line on the face side of the panline will be stopped only by unsafe conditions.

"(3) Ventilating currents will be directed toward the work area and continuous methane tests will be made, including under the panline with use of a probe.

"(4) The area around and under the panline in the work area will be well rock dusted before work is begun for a distance of 20 feet in each direction of the work area.

"(5) Necessary firefighting equipment will be available at the immediate work area.

"(6) A MSA lamb air mover, or equivalent, will be utilized whenever burning or welding is being performed on the longwall face. The air mover will be positioned in such a manner as to aid in the prevention of methane accumulations in and around the panline.

"(7) No burning or welding in by last open cross-cut while coal is being extracted.

"(8) No burning or welding while men are in by.

"(9) No burning or welding except by a person who has attended burning and welding school and is certified.

"When torches are used and welding and burning is done, a minimum of 150 pounds of rock dust and/or a 2A 10-B:C fire extinguisher shall be provided in the immediate area for prompt extinguishing of fires accidentally started.

"(d) Approval of the chief of the division will be secured before firing coal seams in connection with gasification or other mining methods that may be practiced experimentally or commercially entailing controlled burning of coal in mines. Before granting approval, the chief will ascertain that the proposal entails no undue hazards to persons and that public property and property of other owners will not be endangered.

"(e) Liquefied or non-liquefied compressed gas cylinders transported into or through an underground coal mine shall be:

"(1) Placed securely in devices designed to hold the cylinder in place during transit on self-propelled equipment or conveyor belts.

"(2) Disconnected from all hoses and gauges.

"(3) Equipped with a metal cap or head band.

"(4) Clearly labeled empty or full.

"(5) Oxygen and acetylene bottles shall be stored out by the last open cross-cut at all times when not in use. Storage areas shall be examined, well

rock dusted, and made safe against roof or rib falls. All bottles shall be secured against falling.

"§25-9-152. (a) Oiling or greasing of mine cars inside coal mines is permitted only when the work and storage areas are kept reasonably clean at all times. Storage of oil or grease for this purpose is limited to three barrels, and must be in a fireproof compartment connecting with return airway direct to the surface and without contacting active workings.

"(b) Lubricants for use in underground shops must be kept in approved portable containers, kept securely closed when not in use and are not to exceed one day's supply; provided, that more than a one day's supply may be stored underground in reasonable quantities if stored in a fireproof compartment connecting with return airway to the surface and without contacting active workings.

"(c) Lubricants for use in sections using mechanical equipment must be kept in approved portable containers, kept securely closed when not in use in minimum quantities required for operations, not exceeding 48 hours.

"(d) All points at which lubricants are used, kept or stored shall be kept reasonably clean and free of avoidable spillage.

"(e) Five hundred pounds of rock dust or sand or a 2A 10-B:C fire extinguisher shall be kept convenient to each oil or grease storage area in mines.

"(f) Two hundred pounds of rock dust or sand or a fire extinguisher suitable for use in class A fires will be kept convenient to each set of doors used for ventilation in mines.

"(g) Five hundred pounds of rock dust or sand ~~or~~ and a 2A 10-B:C fire extinguisher shall be kept convenient to each station or room containing mine transformers, rectifiers, motor generator sets, battery chargers, permanent pump or air compressor control rooms and such other stationary and permanent or semipermanent equipment as may be classed by the chief of the division as a serious hazard in event of fire.

"§25-9-171. (a) All power circuits entering a mine shall be protected against lightning by lightning arrestors at or near the points of entrance to the mine. All power circuits shall be protected against lightning or other surges by adequate circuit breakers, fuses or both.

"(b) All power wires, except trailing cables pecially designed cables conducting high-voltage power to underground rectifying equipment or transformers, and ground wires, whether bare or insulated, shall be supported on well-installed insulators and shall not touch combustible material, roof or ribs. Power wires or cables installed prior to August 12, 1949, in locations inaccessible without prohibitive expense may be continued in use if approved by the division. After January 1, 1985, all underground high-voltage transmission cables shall be installed only in regularly inspected air courses and haulageways, and shall be covered, buried, or placed so as to afford protection against damage, guarded where men regularly work or pass under them unless they are 6 1/2 feet or more above the floor or rail, securely anchored, properly insulated, and guarded at ends, and covered, insulated, or placed to prevent contact with trolley wires and other low-voltage circuits.

"(c) Power wires shall be insulated properly when passing through doors and stoppings and where they cross other power circuits.

"(d) Signal wires and telephone wires shall be run at a safe distance and, where possible, shall be placed on the opposite side of the slope or heading from the power wires.

"(e) Where track is used as a power conductor:

"(1) Tracks shall be bonded and cross-bonded in such manner as to assure adequate return.

"(2) Switches on entries shall be well bonded.

"(f) Employees called upon to do work on energized electric circuits or energized parts of electrical equipment shall use properly tested lineman's electric gloves and leather protector gloves.

"(g) Trolley and feeder wires shall be installed as follows:

"(1) Aligned properly and where installed after August 12, 1949, at least six inches outside the track gauge line.

"(2) Provided with cutout switches at intervals of not more than 2,000 feet and near the beginning of all branch lines.

"(3) Kept taut and not permitted to touch roof, rib or cross bars. Particular care should be taken where they pass through door openings to preclude bare wires coming in contact with combustible material.

"(4) Trolley or bare feeder cables shall be guarded adequately where it is necessary for men to pass or work under them regularly unless the wires are more than six and one-half feet above the top of the rail. They shall also be guarded adequately on both sides of doors and regardless of height at all stations designated for loading and unloading of mantrips and at sand boxes.

"§25-9-174. Telephone service or approved equivalent means of communication shall be provided at the bottom of each main shaft or slope and in all mines from the surface to the working sections of the mine where the mine workers are more than 1,500 feet from the surface. Further, where there is any work done in any area for a period of more than 5 days, a telephone shall be installed at that place.

"§25-9-191. (a) Timbering or other adequate roof support systems suitable to the roof conditions and mining system of each mine or part of a mine shall be adopted, complied with and required. Additional timbering or supporting will be done where necessary.

"(b) It shall be the duty of the mine foreman and his subordinate supervisors to ascertain that all workmen are trained in the proper methods of setting timbers or placing supports.

"(c) Each mine shall submit to the state chief of division its roof control plan and such plan shall be approved by the chief of division prior to the implementation of such plan.

"§25-9-210. (a) Only competent engineers shall be placed in charge of or permitted to operate any engine used for conveying into and hoisting out of any coal mine. When men are being lowered or hoisted, an additional engineer competent to act in emergencies shall be present at the hoist controls. At all times when one or more men are in the mine, a competent hoist engineer shall be ~~available to receive notice or signals requiring his presence~~

at the hoist engine controls. No engineer shall be required for automatically operated cages, elevators or platforms.

“(1) Only authorized persons shall enter the hoist engine room and no person shall interfere with or intimidate the hoist engineer in the discharge of his duties. No person shall speak to the hoist engineer while the engine is in motion, except to give signals to him. This subdivision shall be posted on the door of each hoist engine house.

“(2) Assigned and relief hoist engineers shall be given and required to take annual physical examinations to ascertain that no disability or infirmity has arisen that might expose others to hazards. Every person who is a certified hoist engineer shall be certified every six months. No hoist engineer shall be removed as a result of a physical examination unless it is recommended by the examining doctor and it is established that his physical condition renders continued employment as hoist engineer potentially hazardous to lives and/or property.

“(b) There shall be a dependable method of signaling, audible to the hoist engineer, from all landings in shafts and slopes. Signal codes, approved by the division, shall be used and posted prominently in the engine house and at all places where signals are given.

“(d) Hoist engines shall have the following safety features:

“(1) Adequate brakes capable of stopping and holding the fully loaded unbalanced cage or trip at any point in the shaft, slope or on the incline.

“(2) An accurate and reliable indicator showing the position of the cage or trip shall be placed in clear view of the engineer.

“(3) When men are being lowered or hoisted, the maximum speed shall not exceed 900 feet per minute.

“(4) One round trip shall be made not more than one-half hour before hoisting or lowering men. Chainer may ride this check trip in slope hoisting.

“(5) Inspected daily by a designated competent person and a record made of inspections.

“(e) Hoist ropes shall have the following safety features:

“(1) Adequate size to handle the load and a proper factor of safety as defined in the American Standards Association wire rope standards, and shall be replaced when use becomes dangerous as determined by inspection.

“(2) The rope shall have at least three full turns on the drum when extended to its maximum working length and shall make at least one full turn on the drum shaft or around the spoke of the drum (in case of a free drum) and be fastened securely by means of clamps or other means approved by the chief of the division.

“(3) The hoisting rope shall be fastened to its load by a zinc-filled socket, thimbles and clamps or other means approved by the chief of the division.

“(4) Ropes shall be examined daily by a competent person and replaced when necessary. A record shall be made of all inspections showing condition of ropes and fastenings. Hoist ropes in shafts shall be kept well lubricated.

“(f) Hoist shafts shall have the following features:

“(1) All landings shall be kept clear and free from loose materials, and shall be securely fenced with automatic or other gates to prevent men or materials from falling into the shaft.

“(2) At the bottom of each hoisting shaft and at all intermediate landings, a ‘run-around’ shall be provided for safe passage from one side of the shaft to the other so that men or animals are not required to pass under or across the cage. This passageway shall not be less than five feet in height and three feet in width.

“(3) Positive stop blocks or derails shall be placed near all shaft landings.

“(4) An attendant shall be on duty at the surface when men are being hoisted or lowered at the beginning and end of each operating shift and when men are working in the shaft. Where automatic elevators or cages are used, no attendants shall be required at the elevator or cage stations.

“(5) Persons engaged in deepening a shaft in which hoisting from an upper level is going on shall be protected from the danger of falling material by a suitable covering extending over the whole area of the shaft, sufficient openings being left in the covering for the passage of men or a bucket or other conveyance used in the sinking operations. No hoisting shall be done in any compartment of a shaft while repairs are being made in that compartment, except such hoisting as is necessary in order to make such repairs.

“(g) No person shall ride upon a cage, elevator, skip or bucket that is loaded with tools, timber, powder, coal rock or other material except as follows:

“(1) When tools and supplies are required for repairs to the shaft, or when a rider is required to assist in passing materials through a shaft or **incline. In those cases a special signal must be used and extra care exercised** by the hoist engineer.

“(2) When hand tools or small amounts of supplies are carried by workmen in one hand, leaving the other free to hold onto the bar or ring provided.

“(h) When tools, timber or other materials are loaded so that their ends project above, they shall be securely fastened to the hoisting rope or to the upper part of the cage, skip or bucket.

“(i) No coal or rock shall be hoisted in any shaft while men are being lowered.

“(j) No person shall ride on a cage containing a loaded car or on a single deck cage with an empty car. All motors shall be equipped with safety chains on each end.

“(k) When a bucket is used for hoisting, safety hooks must be used and adequate means must be employed to control the bucket against spinning or excessive swinging. Water shall not be allowed to accumulate along the track so as to cause sanding devices on locomotives, mantrips, or jeeps to operate improperly.

“(l) No driver or other person shall be permitted to descend or ascend a shaft with any horse or mule, unless the said horse or mule is secured in a suitable box or safely penned, and only the driver in charge of said horse or mule and such assistants as he may need shall accompany it in any case.

“(m) Workmen repairing shafts or tipples shall use safety belts when they are exposed to hazards of falls.

“§25-9-230. (a) The cutter chains of mining machines shall be locked securely at all times except when the machine is cutting, the chain is being oiled or tested after repairs or when the chain is moved to spot bits. When cutter chains are not in use, bonnet or bar tip shields shall be used.

“(1) When the chain is being oiled or tested after repairs, an operator must be at the controls ready to stop movement of the chain instantly. When the chain is being oiled, the bar must be free of the kerf and of material that might cause it to deflect, the person oiling must position himself before the chain is started, the chain must run in reverse and slowly and must be stopped and the lock replaced immediately after oiling is completed. Oiling devices or other methods that do not expose a workman to hazard from the moving chain may be used.

“(2) When the chain is moved to spot bits, all persons must be in the clear of the bar and the lock must be replaced after the chain is moved and before the bits are spotted.

“(3) When the chain is operated to test it after repairs, all persons must be in the clear of the bar and the lock must be replaced immediately after testing is completed.

“(b) Care must be exercised at all times in the operation of mining and loading machines. Shields must be kept in place. Timbers removed by a cutting or loading crew must be reset or the roof otherwise secured. Care must be exercised to prevent persons not engaged in operation of machines from exposing themselves dangerously near the machines. Operators of machines that are self-tramming or machines that are loaded for tramming shall be alert to clearances and will observe all applicable laws and rules pertaining to haulage or movement of traffic.

“(c) Conveyors and duckbills shall be properly installed and operated with care. Timbers removed in installing, moving or sluicing a conveyor shall be reset promptly or the roof otherwise adequately secured.

“(d) Care must be exercised in setting of and working around jack pipes used in operation of mining machines, conveyors and loading machines.

“(e) Operators of shuttle cars will satisfy themselves that brakes are adequate before and during operation and will exercise care to prevent knocking out timbers. They will promptly reset or report timbers unavoidably knocked out, will keep cars under control during operations and give warning before making turns or passing through curtains or other points of obstructed vision.

“(f) Face equipment must be stopped before being lubricated, wiped or repaired, except as provided in subdivision (a) (1) of this section, and must not be restarted until persons oiling, wiping or repairing have given a clear signal. This does not apply to lubrication of equipment that is designed or modified so that lubrication may be performed without exposure to moving parts.

“(g) The mine foreman and his assistants are responsible that operators of face equipment are trained in the requirements of their work before they are entrusted with operation of face equipment, other than while undergoing training by competent operators.

“(h) The mine operator and the mine officials are responsible for seeing that face equipment is adequately maintained as to safe operating conditions. Equipment operators are responsible for exercising reasonable care in the operation of the equipment entrusted to them and for reporting defects known to them.

“(i) All junction or distribution boxes used for making multiple power connections inby the last open crosscut shall be permissible.

“(j) All handheld electric drills, blower and exhaust fans, electric pumps and such other low horsepower electric face equipment which are taken into or used inby the last open crosscut of any coal mine shall be permissible.

“(k) All other electric face equipment which is taken into or used inby the last open crosscut of any coal mine shall be permissible.

“(l) The operator of each coal mine shall maintain in safe condition all permissible type electric face equipment which is taken into or used inby the last open crosscut of any such mine.

“(m) Trailing cables used in coal mines shall meet the requirements established for flame-resistant cables.

“(n) Short-circuit protection for trailing cables shall be provided by an automatic circuit breaker or other no less effective device, approved by the chief of the division, of adequate current-interrupting capacity in each underground conductor. Disconnecting devices used to disconnect power from trailing cables shall be plainly marked and identified, and such devices shall be equipped or designed in such a manner that it can be determined from visual observation that the power is disconnected.

“(o) When two or more trailing cables junction to the same distribution center, means shall be provided to assure against connecting a trailing cable to the wrong size circuit breaker.

“(p) One temporary splice may be made in any trailing cable. Such trailing cable may only be used for the next 24-hour period. No temporary splice shall be made in a trailing cable within 25 50 feet of the machine, except cable reel equipment. Temporary splices in trailing cables shall be made in a workmanlike manner and shall be mechanically strong and well insulated. Trailing cables or hand cables which have exposed wires or which have splices that heat or spark under load shall not be used.

“(q) When permanent splices in trailing cables are made, they shall be mechanically strong with adequate electrical conductivity and flexibility, effectively insulated and sealed so as to exclude moisture and vulcanized or otherwise treated with suitable materials to provide flame-resistant qualities and good bonding to the outer jacket.

“(r) Trailing cables shall be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections. Trailing cables shall be adequately protected to prevent damage by mobile equipment.

“(s) Trailing cable and power cable connections to junction boxes shall not be made or broken under load.

“(t) All electrical equipment shall be frequently examined, tested and properly maintained by a qualified person to assure safe operating conditions. When a potentially dangerous condition is found on electrical equipment,

such equipment shall be removed from service until such condition is corrected. A record of such examinations shall be kept and made available to an authorized representative of the chief of the division and to the miners in such mine.

"§25-9-231. (a) Gears, sprockets, friction devices and couplings with protruding bolts or nuts, shafting and projecting shaft ends that are within seven feet of floor or platform level, belt or rope drives that are within seven feet of floor or platform level, fly wheels and circular and band saws and planers shall be guarded adequately.

"(b) Grinders shall be installed and maintained in such manner that wheel speeds will not exceed rated speeds and reasonable protection is afforded against danger of flying particles and wheel disintegration. Further, all underground grinders shall be provided with a minimum of 150 pounds of rock dust and a 2A 10-B:C fire extinguisher.

"(c) Repair pits shall be kept covered or guarded at all times when not in use to prevent falls into them.

"(d) Machinery must be stopped before being lubricated, wiped or repaired and reasonable precautions must be taken to prevent other persons from restarting them while such work is in progress. This does not apply as to lubrication of machinery that is designed or modified so that lubrication may be performed without exposure to danger from moving parts. Any time repairs are being made, machinery should be locked out.

"§25-9-250. (a) In dangerously dusty locations, electric motors, switches and controls shall be of dust-tight construction or enclosed with reasonably dust-tight housing or enclosures. Open-type motors, switches or controls now in use in tipples and cleaning plants in dusty locations may be continued in use until such dust-tight equipment can be procured or until they can be corrected with reasonably dust-tight housing or enclosures.

"(b) Structures shall be kept free of excessive coal dust accumulations.

"(c) Where coal is dumped at or near air intake openings, water sprays and other reasonable provisions shall be made to prevent the dust from entering the mine. Also, reasonable provisions shall be made to prevent rock dust from entering intake air at rock dust loading points.

"(d) Where repairs are being made to the plant, proper scaffolding and proper overhead protection shall be provided for workmen wherever necessary.

"(e) Welding shall not be done in dusty atmosphere or dusty locations, and firefighting apparatus shall be readily available during welding.

"§25-9-251. Naphtha or other flammable liquids in lamp houses shall be kept in approved containers or other safe dispensers. There shall be warning signs of content posted.

"§25-9-252. (a) Stairways, elevated platforms and runways shall be equipped with handrails. Stairways shall also be protected to prevent against freeze-overs and other slippery conditions.

"(b) Elevated platforms and stairways shall be provided with toeboards where necessary, and they shall be kept clear of refuse and maintained in good repair.

"§25-9-271. (a) Guards.—Excavations shall be provided with substantial barriers at points where passageways, tracks, roadways or buildings adjoin such excavation.

“(b) Loose material.—All pit walls shall be kept free of unsafe loose materials. Hazardous areas shall be flagged, and no work shall be permitted in such areas.

“(c) Scaling.—~~Safe, acceptable methods shall be used for removing loose materials from the highwalls. High-walls shall be scaled with the same equipment that is used in removing the overburden. Such scaling shall take place as such highwalls advance.~~

“(d) Slope of material.—Spoil piles shall be kept safely sloped to prevent loose material from sliding into the work area.

“(e) Overburden.—The area immediately above the highwall shall be cleared to a minimum of 50 feet from the face of the highwall ~~safe distance~~ to prevent loose hazardous material from falling into the pit.

“§25-9-272. (a) Access.—Safe means of access shall be provided to all working places in any pit.

“(b) Fastening ladders.—All fixed ladders shall be properly installed, securely fastened and provided with back guards where necessary. At least three inches of toe clearance shall be provided.

“(c) Incline of ladders.—Under no circumstances shall any ladder inclining backward from the vertical be installed or used.

“(d) Maintenance.—Ladderways where used shall be maintained in safe condition and shall be inspected regularly.

“(e) Steps.—Where stairs are used, they shall comply with the requirements set forth in the basic safety manual, state of Alabama.

“(f) Travel.—Access to pits over railway haulage shall be provided with ~~adequate visual and audible warning signs~~ signals.

“(g) Walkway.—Where access to pits is by walkway, it shall be properly graded, and if travel along the walkway is unsafe by reason of danger of falling into the pit, the walkway shall be protected by handrails and a six-inch toe plate. The handrails shall be forty-two inches high, capable of restraining 200 pounds. Drain ditches shall be laid out and both walk and drain ditches shall be kept free of broken stone, trash and debris at all times.

“§25-9-361. It shall be the duty of the superintendent, mine foreman, subordinate supervisors, fire bosses or mine examiners and other officials to comply with and to see that others comply with the provisions of this chapter, failure to do so shall be punishable as a misdemeanor.

“§25-9-365. Any mine inspector shall have the authority to order suspension of operations of a coal mine or pit or any part thereof when violations of this chapter are of such gravity as to be or become imminently hazardous to workmen therein, and shall levy a fine appropriate to the gravity of the violation. Upon correction of such hazardous conditions, the mine or part thereof may resume operations.”

No employee shall be inby equipment when it is being moved or trammed.

When violations are found by state inspectors, the company shall be penalized no less than \$100.00 and up depending on the severity of the violation.

Main doors in permanent stoppings shall be no more than 300 feet apart.

(1) The sinking of shafts, driving of slopes, and related underground construction work, including the penetration of the coal seam and necessary extractions connected therewith, shall be performed in strict compliance with this section. All other provisions of law and regulations shall be applicable as well, and the provisions of the law and of this section may be enforced against coal operators, as defined in the Alabama coal mine safety act, as well as construction companies and operators engaging in, or contracting with another to engage in the shaft, slope or related underground construction.

(2) No shaft, slope or related underground construction shall be commenced, or engaged in, without sufficient concrete or other lining to maintain a stable wall.

(3) No shaft, slope or related underground construction shall occur, or be engaged in, without submission of a plan for same providing for a roof, rib and shaft side control plan, specifically including a plan providing for sufficient concrete or other lining to maintain stable walls, and methods of examining and scaling, type of support and method of installing support.

(4) Said proposed plan shall be reviewed, and approved by the department of industrial relations, division of safety and inspection, to insure that the proposed plan will provide for stable walls and rib, roof and side control.

(5) Further, said proposed plan shall provide that shaft liners shall come to within 25 feet of the shaft bottom at all times, except at those operations where it is impossible to keep the liner at that distance. In such cases, the distance may be extended with the written approval of the director, division of safety and inspection, department of industrial relations, after opportunity for comment by affected employees and their representatives.

(6) Prior to approving any plan submitted hereunder, affected workers and their representatives shall have the opportunity to comment upon the proposed regulations, and the director shall consider these comments in approving said plan.

No employee shall be required to platform work when the temperature exceeds 85 degrees F., or drops below 40 degrees F. for periods of over 30 minutes, without a break to cool or warm for an equal amount of time.

Any time employees are required to work at heights exceeding 10 feet they will be furnished with a catch net or other equal safety device in addition to safety belts.

No employee shall be allowed to hoist a mantrip until he or she has six months experience working the bottom on shaft or slope.

All outside cranes shall be operated by competent individuals familiar with the hazards of the job.

Any person acting as coal mine superintendent, mining engineer, other officials or supervisors who give orders that will require violation of this act, shall be guilty of a misdemeanor.

No employee will be required to work more than 8 hours in a 24-hour day.

No employee shall work under any high wall at night without proper lighting.

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No employee shall work around any high wall within 20 feet of a high wall base during rainy weather.

No employee shall work within 300 feet of a blasting area except those performing the work of loading the holes including the driller and shooter.

No combustible equipment shall be permitted underground.

There shall be proper lighting for dumping and loading areas.

One self-contained, self-rescuer shall be provided for every person entering the coal mine and shall be maintained in operative condition at a distance no greater than 1000 feet or 10 minutes walking distance. Longwalls shall provide self-contained, self-rescuers at the last open crosscut and a minimum of three self-contained, self-rescuers shall be provided at the tailgate end of the longwall face.

Hydraulic pumps will be kept outby the stage loader control area or longwall sections a minimum of 150 feet.

No one shall be required to work downwind of the shearer while coal is being mined on the longwall face.

Mobile equipment must have air conditioning if the temperature is above 80 degrees F. and a heater system if the temperature is less than 60 degrees F.

This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Committee on Natural Resources.

REPORTS OF COMMITTEES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Senators Mitchem, Barron, Rice, Amari, Smith (J), Foshee, Langford, Holmes, Hale, Horn, Dial, Bennett, Hand, Drinkard, Ellis, deGraffenried, Covington, Campbell, Denton, Dixon, Menton, Preuitt, Bailey, and Bishop:

S. 93. To provide for a cost of living increase to certain retirees and beneficiaries receiving a monthly benefit from the Teachers' Retirement System of Alabama and in certain cases the Employees Retirement System of Alabama. To further provide for an adjustment in said increase for beneficiaries and for those retirees who elected a monthly survivor option; to provide for the funding of such benefits, and to provide that no person shall be entitled to receive the benefits granted herein if receipt of such will jeopardize such persons eligibility to receive Medicaid benefits.

By Senators Bedsole and Dixon:

S. 312. To provide that any law enforcement officer acting in good faith and exercising due care in the making of an arrest pursuant to a domestic relations disturbance shall be immune from any civil liability.

By Senator Bennett:

S. 104. To amend Sections 36-21-68, 36-21-71, 36-21-74, and 36-21-76, Code of Alabama 1975, relating to the Alabama Peace Officers' Annuity and Benefit Fund, so as to eliminate purchasing of past service by new members

of the fund; and to provide further for disability benefits and continued membership.

By Senator Mitchem:

S. 317. To designate the official state championship horse show of Alabama.

By Senators Bedford, Amari, Bennett, and Corbett:

S. 4. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1989.

By Senators Bailey, Amari, and Bedford:

S. 278. To protect the hearing impaired public and to ensure the health, safety and welfare of the people of this state. State legislation is necessary to establish standards of competency and to impose penalties for those who violate the public trust for this field of health care.

By Reps. White (L), Mikell, Beasley, Butler, and Johnson (RG):

H. 434. To establish the Alabama Impaired Professionals' Committee; to provide that the State Board of Dental Examiners and the Board of Pharmacy shall have certain duties and obligations to promote early identification, intervention, treatment and rehabilitation of the professional within their jurisdictions and impaired by reason of illness, inebriation, excessive use of certain drugs, and controlled substances, alcohol, chemicals or other dependent forming substances, or as a result of physical or mental condition; to define the term impaired; to authorize the State Board of Dental Examiners and the Board of Pharmacy to contract with any nonprofit corporation for the creation of the Alabama Impaired Professionals' Committee; to provide for the functions and responsibilities of the committee under a contract between the State Board of Dental Examiners and the Board of Pharmacy and a nonprofit corporation or health provider professional association; to prescribe procedures for the reporting of information from the Alabama Impaired Professionals' Committee to the respective boards; to prescribe that a professional serving as a member of the Alabama Impaired Professionals' Committee shall not be liable to any person for any claim for damages as a result of any decision, opinion, investigation or action taken as a member of such committee; to provide that a nonprofit corporation or medical or health provider professional association shall not be liable to any person for damages for any action taken by the Alabama Impaired Professionals' Committee or any member thereof; to provide that all information, interviews, reports, statements, memorandum or other documents furnished to or produced by the Alabama Impaired Professionals' Committee and any findings, conclusions, recommendations or reports of such committee shall be privileged and confidential and shall not be considered public records nor available for court subpoena or for discovery proceedings; to provide that the Alabama Impaired Professionals' Committee shall render annual reports to the respective state boards and shall report to the respective professional body any professional, within their respective jurisdiction, currently in the need of intervention, treatment, or rehabilitation who has failed or refused participation in programs of treatment or rehabilitation recommended by the committee; to provide that a report to the Alabama Impaired Professionals' Committee shall deem to be a report to the said boards, for the purpose of any mandated reporting of professional impairment otherwise provided for by law; to provide that where the said boards have cause to believe a dentist

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or pharmacist is impaired the board may cause an evaluation of such impaired professional to be conducted by the Alabama Impaired Professionals' Committee; to provide for the severability of the provisions of this act; to provide for cumulative effect; to provide for the repeal of all laws in conflict with this act; and to provide an effective date for this act.

By Senator Rice:

S. 522. To amend Sections 16-6A-12 and 16-6A-13, Code of Alabama 1975, which provide for the Educational Reform Act of 1984, so as to provide further for eligibility for and repayment of scholarship loans for teacher education programs in critical needs areas.

By Senator Rice:

S. 521. To amend sections 16-33B-1, 16-33B-3 and 16-33B-4, Code of Alabama 1975, relating to the Alabama guaranteed student loan program, so as to define approved lender, student loans, Federal Student Loan Law and eligible institution; to provide program administration in accordance with the Federal Student Loan Law; to provide for basic powers and duties of the Alabama Commission on Higher Education in accordance with the Federal Student Loan Law; to promote the availability of the Alabama guaranteed student loan program; and to service loans.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 161. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bill in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twentieth legislative day of the 1988 Regular Session only:

Inst Id	Page
S. 484	46

Highway Commission, established, to control Highway Department, Title 23, numerous sections amended

Senator Hand offered the following substitute for the Resolution, S. R. 161, to-wit:

SUBSTITUTE FOR S. R. 161

S. R. 161. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters, upon reaching bills on third reading for the twentieth legislative day of the 1988 Regular Session.

Inst Id	Page
S. 1	32

Contract Review Permanent Legislative Oversight Committee, Authority expanded, Section 29-2-41

S. 2	1
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Alcoholic beverages, civil liability for selling or furnishing unlawfully, Secs. 6-5-70 and 6-5-71 amended

S. 6	5
Voting procedures reg., cross-over voting prohib., primary elections reg.	
S. 22	39
Alabama Education Trust Act created, power, duties of bd. of directors, advance tuition payment contracts and payment fund	
S. 24	15
Motor vehicles, special tags or plates for institutions of higher learning, proceeds to gen. scholarship funds	
S. 26	5
Alabama public library service bd., membs. incr., Sec. 41-8-2 am'd.	
S. 27	52
Hazardous waste storage further reg., Environmental Management Dept. auth. to enforce criminal penalties for violations, tonnage limited	
S. 29	33
Competitive bid law, cert. st. agencies giving honorariums, exempt, Sec. 41-16-21.2 am'd.	
S. 32	39
Budgets, reserve of 2% of last year's appropriation req. in gen. fund budget and education budget, consti. amend.	
S. 33	52
Uniform Arbitration Act, estab., Sec. 8-1-41 am'd., Secs. 6-6-1 through 6-6-16 repealed	
S. 34	6
Fire marshal's assistants, exempt from civil liability in cert. acts or omissions in performing duties, Sec. 36-19-3 amended	
S. 39	4
Public service commission, authorized to regulate wastewater treatment utilities	
S. 41	12
Utilities, inspection and supervision fees, disbursement regulated, Sec. 37-4-23 am'd.	
S. 44	42
Radio utilities, inspection and supervision fees increased, payment on quarterly basis, Sec. 37-4-116 am'd.	
S. 45	43
Telephone Providers which are customer-owned, coin-operated, regulated by Public Service Commission, funded by fees on transportation companies, Sec. 37-2-41 am'd.	

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S. 48	12
Public Service Commission Motor Carrier Enforcement Division, entitled to pistol and badge upon retirement, Sec. 36-21-8 am'd.	
S. 51	12
Public Service Commission, Enforcement Division members, granted police powers, Sec. 37-1-66 am'd.	
S. 57	44
Hazardous Waste, ban on development of new commercial treatment or disposal facilities	
S. 58	43
Hazardous Substance Cleanup Fund, estab.	
S. 62	78
National Council on Alcoholism and Mental Health Assoc., added to list of charities for which state employees and teachers payroll deductions may be made, Sec. 36-1-4.1 am'd.	
S. 92	106
Driver of vehicles with 0.04 percent alcohol commits crime of driving under influence, Sec. 32-5A-191 am'd.	
S. 108	15
Health insurance benefits for retired teachers not eligible to receive Medicare benefits , Sec. 16-25A-17 am'd.	
S. 113	16
Retirement systems, service retirement after twenty-five years of service, Secs. 16-25-14, 16-25-15, 36-27-16, & 36-27B-3 am'd.	
S. 117	5
Securities comm. director, comp. incr., Sec. 8-6-56 am'd.	
S. 118	34
Tuscaloosa Co., bd. of registrars, add'l. meeting days, Sec. 17-4-156 am'd.	
S. 123	45
Trucks and truck tractors, Public Service Commission prohib. from regulating	
S. 124	38
Special reserve account estab. in event sp. ed. trust fund is in proration	
S. 129	2
Intestate estates, right of a surviving spouse to an elective share clarified, Secs. 43-8-40 and 43-8-70 am'd.	

S. 130	2
Foreclosure of real property by power of sale, reg.	
S. 131	1
Real property, redemption of, who may redeem and order of redemption, time period and allowable charges reg.	
S. 138	22
Capital offenses direct appeal to Supreme Ct. provided, Secs. 12-3-9, 13A-5-53 am'd.	
S. 142	7
Architects, engineers and builders, actions in tort and contract against, statute of limitations	
S. 143	9
Teachers, transfer procedure clarified, Sec. 16-24-5 code am'd.	
S. 144	8
Tort reform, statute of limitations on cert. civil actions against materialmen	
S. 150	106
Motor vehicles, accidents causing death, blood tests for alcoholic beverages req.	
S. 153	10
Hunting, shooting across highways prohib., penalties, Sec. 9-11-257 am'd.	
S. 154	79
Health insurance, st. employees "captive county" of highway dept., Sec. 36-29-1 am'd.	
S. 155	17
Impaired Physicians Committee, created, to identify, intervene, and rehab. impaired phy. and osteopaths	
S. 156	59
State employees members of brd. of control of emp. retirement sys. shall be vested to qualify for elect.	
S. 157	9
Game and fish, licensing yr. alt., Secs. 9-11-32, 9-11-33 am'd.	
S. 165	106
Municipalities, full-time law enforcement officers, min. pay scale tied to deputy sheriff	
S. 171	83
Motor veh. and equip. used in forest or grass fires condemned and be sold or used by state forester, Sec. 9-13 am'd.	

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S. 172	9
Criminal littering, crime and penalty, def., Sec. 13A-7-29 am'd.	
S. 175	23
Mental Health Bd. superintendent and physicians, depositions permitted in civil and criminal cases, Sec. 22-50-22 am'd.	
S. 179	23
Death sentence, governor auth. to commute to life for cert. crimes, Sec. 15-22-27 am'd.	
S. 189	43
Firefighters, distinctive license plates, issued at no cost. Sec. 32-6-272 am'd.	
S. 194	88
Jefferson Co., tax collector's chief deputy, appointment and comp.	
S. 195	27
Quality in Education Act of 1988, Governor's educ. reform bill, numerous secs. am'd. and repealed	
S. 198	30
Foresters, license renewal, 3-month grace period after expiration date eliminated, Sec. 34-12-8 am'd.	
S. 200	76
Lyman Ward Military Academy, approp.	
S. 201	4
Selective Service, persons not registered with, not eligible for st. employment, promotions or enrollment in st. institutions of higher learning	
S. 206	14
Workmen's compensation, "average weekly earnings", calculation of	
S. 209	76
Sylacauga Nurses Training School, appropriation made to, from Special Educational Trust Fund	
S. 210	76
Talladega College, appropriation made to, from Special Educational Trust Fund	
S. 212	3
Adoption, Human Resources Dept. req. to assess a ct. cost fee in cert. cases, deposited to st. public welfare trust fund	

S. 213	3
Human Resources Dept., auth. to charge fee for investigation services performed in divorce cases	
S. 214	75
Southern Research Institute, approp. made to, from sp. ed. trust fund	
S. 216	48
Civil Air Patrol-Alabama Wing, appropriation from general fund	
S. 217	50
Simpson-May Cerebral Palsy Center, appropriation to United Cerebral Palsy of Alabama & United Cerebral Palsy Development Center, for	
S. 220	50
Elyton Recovery Center, supplemental appropriation from general fund	
S. 227	49
Sickle Cell Education Program, appropriation	
S. 229	49
East Alabama Child Development Center, approp.	
S. 231	47
General Fund Budget, approp. for ordinary expenses of executive, legislative and judicial depts.	
S. 232	64
State employees, cost-of-living salary incr., fiscal yr. October 1, 1988	
S. 234	53
Witness fees; payment, collection and distrib. in civil cases in circuit, dist. and probate cts., Secs. 12-19-130, 12-19-131, 12-19-132, 12-19-133, 12-19-134, 12-19-135, 12-19-136, 12-19-137 and 12-19-138 repealed	
S. 236	53
Traffic offenses include municipal ordinances, Secs. 32-1-4 and 32-5-310 am'd.	
S. 237	54
District court magistrates, receive pleas of guilty for minor traffic infractions, Sec. 12-12-52 am'd.	
S. 238	54
Jurisdiction and criminal contempt, power of circuit courts, Sec. 12-11-30 am'd.	

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S. 240	55
Insanity, investigations of confined adults, circuit or district judges authorized to institute, Sec. 15-16-20 am'd.	
S. 241	55
Writ of attachment, issued by judicial officers, Sec. 6-6-43 amd	
S. 243	45
Utilities, foreign coal and out of st. coal purchased, Public Service Commission to determine effect on rates, use of to serve cert. st. facilities prohib., Sec. 37-1-80 am'd.	
S. 244	33
Retirement income, cost-of-living incr. for retired employees of cert. public hospitals	
S. 245	91
Manufactured Housing Commission Recovery Fund, created	
S. 247	19
Handicapped Citizens Hall of Fame, established	
S. 254	81
State employees, retired, cost-of-living incr.	
S. 255	81
Tax assessor, tax collector, license commissioner, revenue commissioner, supernumerary, surviving spouse benefits estab., Secs. 40-6-3, 40-6-4 am'd.	
S. 266	59
Communications bureau estab. within data systems management division of dept. of finance	
S. 267	60
Controlled substances investigators, attorney general authorized to employ	
S. 268	65
Insurance companies, life, disability and burial, miscellaneous investments regulated, Sec. 27-41-35 am'd.	
S. 270	35
Motor vehicle carriers, prohib. from transporting hazardous waste through tunnels, penalties	
S. 271	92
Infectious diseases, hospitals to notify pre-hospital personnel incl. law enforcement officers of persons who have diseases	

S. 272	107
Anti-obscenity enforcement act, definitions, penalties, Secs. 13A-12-150 through 13A-12-159 and 13A-12-170 through 13A-12-179 repealed	
S. 275	103
Sales tax exempt. of liquefied petroleum gas used in fertilizer, Sec. 40-23-4 am'd.	
S. 282	11
Hunting and fishing fee, exempt. for cos. removed, Secs. 9-11-44 and 9-11-53 am'd.	
S. 283	11
Hunting and fishing license fees, altered, Sec. 9-11-65 am'd.	
S. 285	47
Sewage disposal, on site, installer, must be licensed by state health dept.	
S. 287	6
Linked deposits, 1988 Wallace plan created, low-cost loans to agriculture and business, st. treasurer to admin.	
S. 289	17
Physicians, out of state, temporary permission to practice in Ala., Sec. 34-24-74 am'd.	
S. 294	77
Walker County Junior College, approp.	
S. 295	64
Political contributions, cert. ones by railroad corporations auth., Secs. 10-2A-70.1, 10-2A-70.2 am'd.	
S. 298	109
Legislative Council, auth. to employ an atty., funding	
S. 302	23
Real estate sale, implied warranty waived if parties agree to 1 year express warranty	
S. 303	24
Rules of Criminal Procedure, amended to include alcohol and drug abuse examinations and reporting	
S. 304	20
County, city and town employees and legislators under st. employees' health insurance plan	
S. 305	49
Beacon House, approp.	

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S. 307	84
Emergency vehicles, authorized, public owned police vehicles exception, Sec. 32-5A-7 am'd.	
S. 311	24
Domestic abuse, ct. juris. hearings, venue alt., penalties incr., Secs. 30-5-2 thru 30-5-10 am'd.	
S. 314	30
Bureau of vital statistics auth. to collect data on cert. medical procedures, confidentiality, program planning, cert. public health services and penalties	
S. 325	10
Hunting licenses, all game, nonresident, fees incr., Sec. 9-11-47 am'd.	
S. 332	20
Shelby Co., add'l district judgeship auth.	
S. 333	40
Human Resources Dept. auth. to transfer ownership of cert. property	
S. 335	77
Marion Military Institute, approp.	
S. 336	78
Shakespeare Festival, approp.	
S. 338	13
Code of ethics, exemption for cert. firemen, Sec. 36-25-1 am'd.	
S. 343	35
Supervised Intensive Restitution program, inmate further defined, Sec. 15-18-111 am'd.	
S. 345	21
Taxation, exchange info w/fed. gov't. and other state agencies w/state of Alabama, Sec. 40-23-29 am'd.	
S. 346	13
State docks advisory committee, appointments confirmed by Sen., Sec. 33-1-8 am'd.	
S. 347	25
Finance Department, stmt of expenses of st. employees & officers notarization requirement removed, Sec. 41-4-57 am'd.	

S. 351	29
Insurance Dept., auth to issue single personal license to casualty and prop. agents, duration, pre-qualifying courses reg. exams, licensing of cert. partnership reg., numerous code sections amended and repealed	
S. 356	36
Abandoned Mine and Reclamation Trust Fund estab., auth. to receive fed. funds	
S. 359	55
Law enforcement officers, retired officers auth. to carry handgun, card authorization changed from annual to permanent basis, Sec. 36-21-9 am'd.	
S. 361	14
Motor Vehicles, further regulates county and city sales and use tax allocations, numerous code sections amended	
S. 362	41
Boards of education, local, warrants issued by, may be payable out of proceeds of cert. taxes pledged to education, Sec. 16-13-70 am'd.	
S. 363	16
Small claims court, jurisdictional amount, incr., Sec. 12-12-31 am'd.	
S. 365	87
Ex-officio, non-voting positions estab. on bd. of ed. and bd. of trustees of four-year institutions	
S. 366	56
18th Jud. Cir. (Clay, Coosa, Shelby Cos.), eastern and western divisions estab.	
S. 367	42
Commission on Higher Ed., restructured, Secs. 16-5-2, 16-5-3 and 16-5-10 am'd., Secs. 16-5-8, 16-5-9 repealed	
S. 371	88
Birmingham, retirement system, payment of benefits during reemployment alt., Act 929, Reg. Sess. 1951 am'd.	
S. 372	89
Birmingham, parks and recreation bd. membs. salary incr., Act 529, Reg. Sess. 1923 am'd.	
S. 373	89
Jefferson Co., civil service system, certification of candidates to fill vacancies in the classified service reg., Act 248, Reg. Sess. 1945 am'd.	

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S. 374	90
Birmingham, retirement system, disability allowance, payment of alt., Act 1272, Reg. Sess. 1973 am'd.	
S. 376	88
Birmingham, retirement system, members in unclassified service, option to join, Act 1272, Reg. Sess. 1973 am'd.	
S. 378	25
Legislative Council, auth. to employ an atty., funding	
S. 388	26
Primary elections, single ballot primaries auth., electors may vote without regard to party affiliation, Sec. 17-16-4 rep.	
S. 392	26
Competitive bids, residential preference to Alabama-made products, Secs. 41-16-27 am'd.	
S. 394	33
Public Library Service, bd. membs. incr., Sec. 41-8-2 am'd.	
S. 395	36
Surface Mining Control and Reclamation Act amended to regulate blasters and provide for renewal certificates and fees, Secs. 9-16-81 and 9-16-90 am'd.	
S. 397	37
Home Rule powers to county government auth., election set, Consti. amend.	
S. 398	108
Controlled substances, searches and seizures and forfeiture of property further provided for, cert. lienholders excepted, Sec. 20-2-93 am'd.	
S. 400	21
Judicial Circuits, new district and circuit judgeship created, appropriations	
S. 401	66
Doctors, exempt from civil liability for statements re patients in alcohol treatment programs if also in DUI school	
S. 404	108
Forensic Sciences Dept., responsible for chem. intoxication, transferred from Health Dept., Sec. 32-5A-194 am'd.	
S. 405	56
Criminal Justice System Council on Crime and Punishment, composition of council	

S. 408	92
Health care institution licensing, include home health agencies, Secs. 22-21-20, 22-21-27 am'd.	
S. 411	80
Youth Services Dept., competitive bidding for purchases and contracts further provided for, Sec. 44-1-29 am'd.	
S. 412	22
Trust fund investments for Ala. Heritage Trust Fund and Ala. Trust Fund auth. as the same as for employees' and teachers' retirement systems	
S. 414	32
Rape, criminal responsibility of the spouse removed, term "female" redefined, Sec. 13A-6-60 am'd.	
S. 417	30
Pesticides; registration, fee and penalties, further provided, Sec. 2-27-9 am'd.	
S. 422	37
State Parks and Park Facilities Development Authority estab., powers, auth. to issue bonds, process for cert. st. parks	
S. 423	60
Alcoholic beverage control bd., require warning labels on alcoholic beverages	
S. 426	57
Juror harassment, crime of defined, penalties	
S. 430	31
Pesticide Act of 1971, violations, Agri. and Industries Commissioner auth. to impose cert. civil fines, appeal process	
S. 431	34
Personal property, Code sec. 35-12-6 am'd. to shorten time articles left for service must be held before sale for service costs	
S. 432	19
Senate confirmation of appointments further provided, gubernatorial appointees continue to sit until successors are confirmed by Senate, retroactive to Jan. 1, 1988	
S. 435	83
Probate judges, retirement benefits for spouses, cost of living incr., Sec. 12-18-87 am'd.	
S. 438	35
Insurance policies and health certificates for coverage of health, accident and sickness req. to include tempormandibular and craniomandibular treatments	

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S. 439	29
Trust Funds, common, administration of, losses offset by gains, civil damages	
S. 441	63
Beer and Wine, made for personal use, limited amounts, no tax	
S. 444	78
Mining Museum, approp. from general fund	
S. 445	104
Hunting License, non-resident individual property owner, exemption from alien treatment upon payment of ad valorem tax. Sec. 9-11-49.2 repealed	
S. 446	57
Airport authorities, exercise of police jurisdiction, jurisdiction of crimes on property in mun. ct., Sec. 4-3-47 am'd.	
S. 448	45
Airport zoning law, Aeronautics Dept. auth. to zone to limit height of structures and vegetation near airports	
S. 450	65
Risk retention insurance, reg. by insurance dept. as liability insurance	
S. 460	108
Lobbying, chairman of state political party restricted from, consti. amend.	
S. 468	64
Construction Equipment Franchise Act, manufacturers, distributors, wholesalers of construction equipment reg.	
S. 470	40
Child day care providers exempted from registration with Human Resources Dept. must verify fire and health code compliance, Sec. 38-7-3 am'd.	
S. 475	109
Pardons and Paroles Board, intensive supervision program auth. to be estab., admin.	
S. 476	91
Class 1 muns. (Birmingham), planning commission elect membs. to serve on committee to approve or disapprove plats presented, Sec. 11-52-32 am'd.	
S. 477	91
Class 1 muns. (Birmingham), retirement or participant benefits and spouse's or survivor's benefits covered pursuant to cert. pension and relief plans	

S. 479	79
Pardons and Paroles Board, approp.	
S. 482	80
Heritage Trust Fund, funds to be invested in same manner as Alabama Trust Fund, consti. amend.	
S. 483	113
Jefferson County, co. comm. auth. to hire admin. assistants, confidential secretaries, exempt from merit system	
S. 484	46
Highway Commission, established, to control Highway Department, Title 23, numerous sections amended	
S. 486	51
State per diem and actual expenses incurred for returning accused to the st., Sec. 15-9-62 am'd.	
S. 487	57
Inmates, discharge of by Dept. of Corrections alt., Secs. 14-10-1, 14-10-2 am'd.	
S. 490	51
Retired Senior Volunteer Program, approp.	
S. 494	110
Constables, co. elections to abolish auth., Sec. 36-23-1 am'd.	
S. 496	114
Jefferson Co., chief deputy sheriff, comp.	
S. 504	62
Alcoholic beverages, licensing code, unlawful acts re sales to minors and cert. other persons, reg., Sec. 28-3A-25 am'd. Secs. 28-1-4, 28-3-19 and 28-3-192 rep.	
S. 505	62
Alcoholic Beverage Control Bd., req. audit and collect taxes on beer and wine for benefit of cert. local gov. bodies	
S. 508	101
Groundwater Protection Trust Fund, estab., fees levied, bd. estab.	
S. 514	61
Class 8 muns., auth. to change from city commission to mayor-council elected from 5 single-member dists.	
S. 515	60
Class 7 muns., auth. to change from city commission to mayor-council elected from 5 single-member dists.	

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S. 517	92
Water, protected from lead contamination, penalties	
S. 530	93
Sexual Assaults, person arrested for, req. undergo AIDS test	
S. 533	110
Eminent Domain, cert. procedures changed, Secs. 18-1A-24, 18-1A-30, 18-1A-70, 18-1A-74, 18-1A-110, 18-1A-194, 18-1A-211, and 18-1A-276 amended	
S. 534	84
Molds, procedure for disposal estab.	
S. 536	114
Jefferson Co., revenue commissioner, license commissioner, auth. to issue boat licenses by mail	
S. 543	110
Dept. of Human Resources auth. to investigate parents as to ability to pay child support, auth. to require cert. information from employers, Sec. 38-10-9 am'd.	
S. 544	111
Human Resources Dept., state parent locator, add'l. authority to locate parents and children, cert. st. agencies and employers req. to provide information, Sec. 38-2-6.1 am'd.	
S. 548	113
Birmingham, private contractors auth. to abate nuisances created by weeds without bid letting, Act 105, 3rd Sp. Sess. 1971 am'd.	
S. 549	103
Legislators, distinctive license plates auth.	
S. 556	102
Emergency telephone service, communication districts established by ordinance or resolution of gov'n body of any co. or mun., Secs. 11-98-2, 11-98-4 and 11-98-5 amend.	
S. 557	114
Class 1 muns., brewed beverages further reg. for retail restaurant beer licenses, so as to auth. cert. sales and manufacturing	
S. 569	66
Public Library Service, appropriation	
S. 570	67
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S. 571	67
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S. 572	68
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Education Department, appropriation	
S. 574	69
Board of Nursing, appropriation	
S. 575	69
Small Business Consortium, appropriation	
S. 576	70
Building Commission, appropriation	
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Physical Fitness Commission, appropriation	
S. 578	70
Office of Prosecution Services, appropriation	
S. 579	71
Space Science Exhibit Commission, appropriation	
S. 580	71
Mental Health and Mental Retardation Dept., appropriation	
S. 581	72
Firefighters' Personnel Standards and Educational Commission, appropriation	
S. 582	72
Examiners of Public Accounts, appropriation	
S. 583	73
Health Dept., appropriation	
S. 584	73
Arts and Humanities Council, appropriation	
S. 585	74
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S. 586	74
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S. 611	112
Psychology, Board of Examiners in, auth. to employ executive secretary, Sec. 34-26-1 am'd.	
S. 623	111
Banks, Regional Reciprocal Banking Act, State of Texas included in term "region", Sec. 5-13A-2 am'd.	
H. 1	103
Handicapped persons auth. to display distinctive tag	
H. 6	104
Fire marshal assistants, exempt from civil liability in cert. acts or omissions in performing duties, Sec. 36-19-3 am'd.	
H. 13	84
Hazardous material handling teams operated by st., co. or mun., granted civil immunity, Sec. 6-5-332.1 am'd.	
H. 32	63
Definition of junk to incl. household furniture, household appliances and used tires in Highway Beautification Act, Sec. 23-1-241 am'd.	
H. 46	41
Marital rape, prohib., Sec. 13A-6-60 am'd.	
H. 49	112
Supernumerary magistrates, requirement, terms of office, compensation	
H. 89	105
Tax returns, disclosure of, penalties incr., Sec. 40-1-33 am'd.	
H. 113	58
Transfer tax; generation-skipping provisions relating to fiduciaries, transfers in trust, after Jan. 1, 1987.	
H. 117	58
Estate of a surviving spouse, meaning of clarified	
H. 141	86
Health insurance policies, contracts must include pharmacy of choice	
H. 151	26
Municipal Ordinances, bail reg., effective date reg., Sec. 12-14-5 and 12-14-70 am'd.	
H. 166	105
Personal property, Code sec. 35-12-6 am'd. to shorten time articles left for service must be held before sale for service costs	

H. 199	85
Hunting and fishing lic. further reg., Secs. 9-11-32 and 9-11-33 am'd.	
H. 201	85
Boating licenses, staggered system estab., Sec. 33-5-13 am'd.	
H. 283	18
Ala. Impaired Physicians Committee, created.	
H. 303	87
Teacher units, may be allocated for kindergartens	
H. 334	90
Jefferson Co., co. comm. req. to provide cert. office space for sheriff's dept. personnel	
H. 342	86
Caves, regulation, liability and exemptions, pollution and vandalism penalties	
H. 435	66
Insurance, life and disability policies, summary constitutes entire contract, Secs. 27-14-6, 27-15-5, and 27-15-19 am'd.	
H. 468	82
Recreational vehicles, lic. fees, plates, tax, decreased	
H. 491	90
Jefferson Co., election officers, comp. Act 81-752, R.S. am'd.	
H. 561	115
Birmingham, parks and recreation bd. membs. salary incr., Act 529, Reg. Sess. 1923 am'd.	
H. 562	116
Birmingham, retirement system, disability allowance, payment of alt., Act 1272, Reg. Sess., 1973 am'd.	
H. 566	115
Birmingham, retirement system, members in unclassified service, option to join, Act 1272, Reg. Sess. 1973 am'd.	
H. 824	94
Alabama Department of Economic and Community Affairs, approp.	
H. 825	99
Department of Public Health, approp.	
H. 826	96
Department of Youth Services, approp.	

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H. 827	97
Commission on Physical Fitness, approp.	
H. 828	94
Alabama Small Business Development Consortium, approp.	
H. 829	96
State Building Commission, approp.	
H. 830	98
Department of Finance for the Telephone Revolving Fund, approp.	
H. 831	95
Legislature, approp.	
H. 832	99
Alabama Firefighters' personnel Standards and Education Commission, approp.	
H. 833	100
Office of Prosecution Services, approp.	
H. 836	98
Alabama Law Institute, approp.	
H. 836	95
Alabama State Council on the Arts and Humanities, approp.	
H. 837	93
Examiners of Public Accounts, approp.	
H. 838	97
Space Science Exhibit Commission, approp.	
H. 839	96
Department of Education, approp.	
H. 840	100
Alabama Public Library Service, approp.	
H. 841	101
Department of Mental Health and Mental Retardation, approp.	
Senator Dial offered the following substitute for the Hand substitute for the Resolution, S. R. 161, to-wit:	

S. R. 161. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking

precedence over all other matters, upon reaching bills on third reading for the twentieth legislative day of the 1988 Regular Session.

Inst Id	Page
H. 839	96
Department of Education, approp	
H. 837	93
Examiners of Public Accounts, approp	
H. 829	96
State Building Commission, approp	
H. 824	94
Ala Dept of Community Affairs Dept, approp	
S. 586	74
Economics & Community Affairs Dept, approp	
H. 825	99
Department of Public Health, approp	
S. 583	73
Health Department, approp	
H. 826	96
Department of Youth Services, approp	
S. 587	75
Youth Services Department, approp	
H. 827	97
Commission on Physical Fitness, approp	
H. 828	94
Ala Small Business Development Consortium, app	
H. 830	98
Dept of Finance for Telephone Revolving Fund, app	
H. 831	95
Legislature, approp	
H. 832	99
Ala Firefighters' Personnel Standards & Education Commission, approp	
H. 833	100
Office of Prosecution Services, approp	

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H. 835 98

Alabama Law Institute, approp

H. 836 95

Ala State Council on the Arts & Humanities, app

H. 838 97

Space Science Exhibit Commission approp

S. 573 68

Education Department, appropriation

H. 840 100

Alabama Public Library Service, approp

H. 841 101

Dept of Mental Health & Mental Retardation, app

Which was lost.

Yeas 16; Nays 18.

Yeas:

Senators:	Dial	Hand	Preuitt
Amari	Dixon	Horn	Rice
Barron	Ellis	Manley	Smith (B)
Bedsole	Hale	Mitchem	Smith (J)
Cabaniss			

—16

Nays:

Senators:	Campbell	Figures	Langford
Bailey	Corbett	Foshee	Menton
Bedford	deGraffenried	Goodwin	Parsons
Bennett	Denton	Hilliard	Sanders
Bishop	Drinkard	Holmes	

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Senator Drinkard offered the following substitute for the Hand substitute for the Resolution, S. R. 161, to-wit:

SUBSTITUTE FOR SUBSTITUTE FOR S. R. 161

S. R. 161. SPECIAL ORDER CALENDAR

RESOLVED BY THE SENATE, That pursuant to Rule 9 of the Senate Rules, the regular order of business is set aside and the following order of business is the paramount and continuing order of business taking precedence over all other matters until disposed of:

S. 484 Highway Commission, estab. 46

Which was adopted.

MOTION TO RECONSIDER

Senator Mitchem offered the following Motion in Writing, to-wit:

MOTION IN WRITING

I move that the Senate reconsider the vote by which the Drinkard substitute was adopted.

Senator deGraffenried offered the following Motion in Writing, to-wit:

MOTION IN WRITING

I move to lay the motion to reconsider on the table.

Which was adopted.

Yeas 19; Nays 14.

Yeas:

Senators:	Bishop	Drinkard	Holmes	
Amari	Campbell	Figures	Langford	
Bailey	Corbett	Foshee	Menton	
Bedford	deGraffenried	Goodwin	Parsons	
Bennett	Denton	Hilliard	Sanders	—19

Nays:

Senators:	Dial	Horn	Rice	
Barron	Dixon	Manley	Smith (B)	
Bedsole	Hale	Mitchem	Smith (J)	
Cabaniss	Hand	Preuitt		—14

Senator deGraffenried offered the following Motion in Writing, to-wit:

MOTION IN WRITING

I move adoption of the Hand substitute as amended.

MOTION TO ADJOURN LOST

At 3:25 P.M., Senator Rice offered the following Motion in Writing, to-wit:

MOTION IN WRITING

I move we adjourn until 10:05 A.M. on Thursday, April 7, 1988.

Which was lost.

Yeas 14; Nays 18.

Yeas:

Senators:	Cabaniss	Hand	Rice	
Amari	Dial	Manley	Smith (B)	
Barron	Dixon	Mitchem	Smith (J)	
Bedsole	Hale	Preuitt		—14

Nays:

Senators:	Campbell	Foshee	Langford	
Bailey	Corbett	Goodwin	Menton	
Bedford	deGraffenried	Hilliard	Parsons	
Bennett	Denton	Holmes	Sanders	
Bishop	Drinkard	Horn		—18

FURTHER CONSIDERATION OF S. R. 161

The Senate proceeded to further consideration of the Resolution, S. R. 161. The question was on the deGraffenried Motion in Writing to adopt the Hand substitute as amended by the Drinkard substitute.

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And said Motion in Writing was adopted, and the Hand substitute as amended by the Drinkard substitute was then adopted.

Yeas 18; Nays 14.

Yeas:

Senators:	Campbell	Figures	Langford	
Bailey	Corbett	Foshee	Menton	
Bedford	deGraffenried	Goodwin	Parsons	
Bennett	Denton	Hilliard	Sanders	
Bishop	Drinkard	Holmes		—18

Nays:

Senators:	Cabaniss	Hand	Rice	
Amari	Dial	Horn	Smith (B)	
Barron	Dixon	Mitchem	Smith (J)	
Bedsole	Hale	Preuitt		—14

Senator deGraffenried then offered the following Motion in Writing, to-wit:

MOTION IN WRITING

I move adoption of the Special Order Calendar as substituted and amended.

Which was adopted, and the Resolution, S. R. 161, as amended, was then adopted.

Yeas 18; Nays 13.

Yeas:

Senators:	Bishop	Drinkard	Langford	
Bailey	Campbell	Figures	Menton	
Barron	Corbett	Foshee	Parsons	
Bedford	deGraffenried	Goodwin	Sanders	
Bennett	Denton	Holmes		—18

Nays:

Senators:	Dial	Hand	Preuitt	
Amari	Dixon	Manley	Rice	
Bedsole	Ellis	Mitchem	Smith (B)	
Cabaniss	Hale			—13

SPECIAL ORDER

BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

S. 484. To amend Title 23, Code of Alabama 1975, as to provide for the creation and establishment of a State Highway Commission. To define and provide for the appointment, qualifications, duties, compensation and terms of the members of the State Highway Commission. To further define and provide for the office of State Highway Director, to establish for the appointment, qualifications, duties, term and compensation of the State

Highway Director. To create and establish the office of Deputy Highway Director. To define and provide the appointment, qualifications, duties and compensation of the Deputy Highway Director. To provide that the State Highway Commission shall be vested with the control and supervision of the State Highway Department. To amend Sections 23-1-20, 23-1-21, 23-1-22, 23-1-32, 23-1-35, 23-1-37, 23-1-40, 23-1-41, 23-1-42, 23-1-54, 23-1-55, 23-1-58, 23-1-61, 23-1-156, 23-1-157, 23-1-158, 23-1-170, 23-1-176, 23-1-178, 23-1-300, 23-1-302, 23-1-303, 23-1-305, 23-1-310, 23-1-313, 23-1-317, 23-2-143, 23-2-144, 23-2-161, 23-6-2, 23-6-3, 23-6-4, 23-6-6, 23-6-8, 23-6-9, Code of Alabama 1975; to provide for the duties and responsibilities of the state highway commission. To amend Sections 23-1-150, 23-1-151, 23-1-152, 23-1-154, Code of Alabama 1975, to provide for the makeup of the Alabama highway authority. To amend Sections 23-1-171, 23-1-172, 23-1-174, 23-1-177, Code of Alabama 1975, to provide for the makeup and duties of the Alabama highway finance authority. To amend Sections 23-1-300, 23-1-302, 23-1-303, 23-1-305, Code of Alabama 1975, to provide for the makeup and duties of the Federal Aid Highway Finance Authority. To further amend Sections 9-6A-8, 32-5A-171, 32-5A-172, 32-5A-173, 32-5A-174, 32-9-1, 33-16-9, 33-16-10, 33-17-9, 33-17-10, 40-17-78, 40-17-224, 41-4-16, Code of Alabama 1975. To provide further for the duties and responsibilities of the members of the state highway commission. To further amend Sections 8-17-91 and 40-12-270, Code of Alabama 1975, so as to provide for the appointment of the members of the secondary road committee and further for the duties of the state highway commission. To further amend Section 29-2-4, Code of Alabama 1975, so as to further provide for the duties of the Permanent Joint Legislative Highway Committee.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 127. Relating to St. Clair County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; abolishing the offices of tax assessor and tax collector; repealing conflicting laws; and providing for a referendum thereon.

JOHN W. PEMBERTON,
Clerk.

BUDGET ISOLATION RESOLUTION

Senator Foshee, B. I. R., S. B. 484.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 631. To amend Sections 2, 4, 5, 6 and 7 of Act 79-825, S. 640, 1979 Regular Session (Acts 1979, p. 1557), relating to the Jackson County Department of Public Works and to the county engineer, so as to provide

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further for the authority of the department and the selection, requirements, functions, powers, privileges, and termination of the county engineer.

Also:

H. 633. Relating to Jackson County; to amend Act 79-473, S. 639, Regular Session 1979, as amended (Acts 1979, p. 873), so as to allocate further a portion of T.V.A. payments made to Jackson County to the Jackson County Economic Development Authority for a certain time.

Also:

H. 634. To authorize the Jackson County Commission to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel, as herein defined, and substitutes therefor in such counties not to exceed three cents (3c) per gallon; to provide for the collection and payment of such taxes and to provide the distribution and the use of the funds derived therefrom; to authorize the Jackson County Commission to make reasonable rules and regulations for the collection of such taxes, and to provide for the enforcement of this act and to fix a civil penalty for the violation of any provision of this act and of the rules and regulations prescribed by such county commission for the collection of said taxes.

Also:

H. 730. Relating to Clarke County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

H. 731. To authorize the Washington County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

H. 545. Relating to Geneva County; providing for election of the members of the county commission from certain defined districts and prescribing the manner by which such districts shall hereafter be defined for purposes of electing such members.

Also:

H. 551. Relating to Greene County; providing for an additional expense allowance for the county coroner.

Also:

H. 559. Relating to Houston County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

H. 564. Relating to Shelby County; to authorize the creation of public library districts in certain areas of Shelby County; to prescribe conditions and procedures relative to the creation of such districts; to prescribe the organization, rights and powers of such districts; to prescribe limitations on such rights and powers; to provide for the levying of certain service charges; to repeal all conflicting statutes and to provide referendums.

Also:

H. 34. To further provide for the civil procedures, exemptions, and remedies, from certain levies and sales under process, and garnishment proceedings and garnishment maximum; to further amend and provide for: Section 6-10-6 relating to personal property exemptions from certain levies and sales, so as to exclude wages, salaries or other compensation; Section 6-10-37 relating to the garnishment of money, choses in action or personal property, so as to prescribe that the maximum of such amounts shall be those provided by the Constitution or federal laws; and Section 5-19-15 relating to the allowable maximum garnishment, so as to conform the basis to that of federal law.

Also:

H. 33. To amend Section 15-18-8 of the Code of Alabama 1975, so as to allow the judge presiding over the case with the advice and consent of the commissioner of the Alabama department of corrections, to sentence convicted defendants to certain disciplinary and rehabilitation programs of the department; to provide for the administration of such programs; to provide that benefits of the Alabama correctional incentive time act or any similar program shall not apply to any minimum period of confinement ordered pursuant to this section and to allow the court to retain jurisdiction to suspend sentence and place a defendant on probation after such defendant begins serving a minimum term of confinement under the provision of subsection (a).

Also:

H. 834. To make an appropriation from the State General Fund to the Alabama Academy of Honor for the fiscal year ending September 30, 1988 and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

Also:

H. 823. To make an appropriation to the Alabama Board of Nursing for the fiscal year ending September 30, 1988; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

Also:

H. 315. Relating to Chambers County; to further provide for the per diem of members of the County Board of Equalization and to repeal Act 338 of the 1969 Regular Session as amended.

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Also:

H. 316. Relating to Chambers County; providing further for the compensation of members of the board of registrars and repealing Act No. 473, H. 302, 1973 Regular Session.

Also:

H. 623. Relating to Greene County; providing that the Greene County legislative delegation shall be provided a legislative delegation office, personnel and supplies by the the Greene County Commission; providing that such office and supplies shall be a shared legislative delegation office with the Sumter County delegation; providing that the Greene County Commission shall pay forty percent (40%) of the overhead, salaries and operational costs of such delegation office in Sumter County from the Greene County funds.

Also:

H. 735. Relating to Conecuh County, to ratify payments heretofore made to or on behalf of Mr. Willie Lee Powell by the County Commission of Conecuh County; and to relieve all charges relating thereto made by Examiners of Public Accounts.

Also:

H. 737. To authorize the County Commission of Conecuh County to pay from the general funds of the county the amount of up to \$350.00 per month to Mr. Willie Lee Powell for injuries received during the course of his employment.

Also:

H. 58. Relating to Etowah County, amending Act No. 83-780, S. 501, 1983 Regular Session, which provides for the expense allowance for the constable, so as to increase said expense allowance.

Also:

H. 119. Relating to Colbert County; amending Act No. 84-505, H. 885, 1984 Regular Session, which provides for the compensation of members of the Utilities Board of Muscle Shoals, so as to provide further for said compensation and to provide for retroactive effect.

Also:

H. 128. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

Also:

H. 176. Relating to Walker County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

H. 314. To authorize the Chambers County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service.

No citizen shall be denied any service because of that person's inability to pay.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 127. Relating to St. Clair County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; abolishing the offices of tax assessor and tax collector; repealing conflicting laws; and providing for a referendum thereon.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 669. To propose an amendment to the Constitution of Alabama of 1901, relating to fire protection districts in Monroe County, so as to provide for the levy and collection of certain additional property tax for fire protection and rescue squads in said county.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been

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publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF S. B. 484

The Senate proceeded to further consideration of the Bill, S. B. 484. The question was on the Budget Isolation Resolution for the Bill.

QUORUM CALL

At 4:35 P.M., Senator Hand requested that the President and Presiding Officer ascertain the presence of a quorum.

On a call of the roll, the following Senators responded to their names:

Senators:	Campbell	Drinkard	Horn
Amari	Corbett	Foshee	Langford
Bailey	Covington	Goodwin	Menton
Bedford	deGraffenried	Hilliard	Parsons
Bennett	Denton	Holmes	Sanders
Bishop			

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FURTHER CONSIDERATION OF S. B. 484

The Senate proceeded to further consideration of the Bill, S. B. 484. The question was on the Budget Isolation Resolution for the Bill.

MOTION TO RECESS LOST

At 5 o'clock P.M., Senator Mitchem offered the following Motion in Writing, to-wit:

MOTION IN WRITING

I move we stand in recess until 7:30 P.M.

Which was lost.

Yeas 12; Nays 21.

Yeas:

Senators:	Dixon	Mitchem	Rice
Bedsole	Hale	Parsons	Smith (B)
Cabaniss	Hand	Preuitt	Smith (J)
Dial			

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Nays:

Senators:	Corbett	Figures	Horn
Bailey	Covington	Foshee	Langford
Bedford	deGraffenried	Goodwin	Manley
Bennett	Denton	Hilliard	Menton
Bishop	Drinkard	Holmes	Sanders
Campbell	Ellis		

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FURTHER CONSIDERATION OF S. B. 484

The Senate proceeded to further consideration of the Bill, S. B. 484. The question was on the Budget Isolation Resolution for the Bill.

Senator Foshee offered the following Motion in Writing, to-wit:

MOTION IN WRITING

Motion to adopt, B. I. R., S. B. 484.

Which was adopted.

Yeas 21; Nays 14.

Yeas:

Senators:	Campbell	Figures	Horn
Amari	Corbett	Foshee	Langford
Bailey	Covington	Goodwin	Menton
Bedford	deGraffenried	Hilliard	Parsons
Bennett	Denton	Holmes	Sanders
Bishop	Drinkard		

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Nays:

Senators:	Dial	Hand	Rice
Barron	Dixon	Manley	Smith (B)
Bedsole	Ellis	Mitchem	Smith (J)
Cabaniss	Hale	Preuitt	

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Senator Dial offered the following substitute for the Bill, S. B. 484, to-wit:

SUBSTITUTE FOR S. B. 484

A BILL TO BE ENTITLED AN ACT

To amend Title 23, Code of Alabama 1975, so as to provide for the creation and establishment of a State Highway Commission. To define and provide for the appointment, qualifications, duties, compensation and terms of the members of the State Highway Commission. To further define and provide for the office of State Highway Director, to establish for the appointment, qualifications, duties, term and compensation of the State Highway Director. To create and establish the office of Deputy Highway Director. To define and provide the appointment, qualifications, duties and compensation of the Deputy Highway Director. To provide that the State Highway Commission shall be vested with the control and supervision of the State Highway Department. To amend Sections 23-1-20, 23-1-21, 23-1-22, 23-1-32, 23-1-35, 23-1-37, 23-1-40, 23-1-41, 23-1-42, 23-1-54, 23-1-55, 23-1-58, 23-1-61, 23-1-156, 23-1-157, 23-1-158, 23-1-170, 23-1-176, 23-1-178, 23-1-300, 23-1-302, 23-1-303, 23-1-305, 23-1-310, 23-1-313, 23-1-317, 23-2-143, 23-2-144, 23-2-161, 23-6-2, 23-6-3, 23-6-4, 23-6-6, 23-6-8, 23-6-9, Code of Alabama 1975; to provide for the duties and responsibilities of the state highway commission. To amend Sections 23-1-150, 23-1-151, 23-1-152, 12-1-154, Code of Alabama 1975, to provide for the makeup of the Alabama highway authority. To amend Sections 23-1-171, 23-1-172, 23-1-174, 23-1-177, Code of Alabama 1975, to provide for the makeup and duties of the Alabama highway finance authority. To amend Sections 23-1-300, 23-1-302, 23-1-303, 23-1-305, Code of Alabama 1975, to provide for the makeup and duties of the Federal Aid Highway Finance Authority. To further amend Sections 9-6A-8, 32-5A-171, 32-5A-172, 32-5A-173, 32-5A-174, 32-9-1, 33-16-9, 33-16-10, 33-17-9, 33-17-10, 40-17-78, 40-17-224, 41-4-16, Code of Alabama 1975.

To provide further for the duties and responsibilities of the members of the state highway commission. To further amend Sections 8-17-91 and 40-12-270, Code of Alabama 1975, so as to provide for the appointment of the members of the secondary road committee and further for the duties of the state highway commission. To further amend Sections 29-2-4, Code of Alabama 1975, so as to further provide for the duties of the Permanent Joint Legislative Highway Committee.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following words and phrases, wherever they appear in this act, unless the context clearly indicates otherwise, shall have the following meanings:

(A) COMMISSION—Alabama State Highway Commission as established in this act.

(B) DIRECTOR—the director of the Alabama State Highway Department.

Section 2. It is the intent and purpose of this act to establish a State Highway Commission to administer all duties and obligations set out by the Constitution of the State of Alabama 1901 as amended and the Code of Alabama 1975, to the State Highway Department. It is the intent of this act that all duties heretofore granted to the office of the governor by the legislature as related to the State Highway Department be vested in the State Highway Commission.

Section 3. State Highway Commission.

Composition, terms of office, appointment of members, filling of vacancies, officers, meetings, compensation of members.

(A) There is hereby created a State Highway Commission. The State Highway Commission shall be composed of one member appointed from each congressional district of the State and two members appointed from the State at large. The members shall be appointed as follows:

1. The Governor shall appoint one member of the State Highway Commission from each congressional district. Each member shall require Senate confirmation and shall serve from the time of appointment until rejected by the Senate or until his term expires. The member appointed to the State Highway Commission shall be a permanent resident from the congressional district from which he is appointed.
2. The Lieutenant Governor and the Speaker of the House of Representatives shall each appoint one member of the State Highway Commission from the State at Large.
3. The appointment of the members of the State Highway Commission shall be made before the first calendar day of the first Regular Session of the Legislature following the general election of the members of the Legislature. Such appointments shall be submitted to the Senate for confirmation no later than the tenth (10) legislative day of the first Regular Session of the legislature.
4. The terms of the members of the State Highway Commission shall be six (6) years, except as provided in Section 21 of this act. The members shall serve until his successor is duly appointed

as provided in Subsection "3" of this Section. No member of the commission shall serve more than two (2) consecutive six (6) year terms.

5. Should a vacancy occur in the Commission, the unexpired term of the member shall be filled as originally appointed and confirmed during the regular session of the legislature next following the creation of the vacancy.

(B) The State Highway Commission by a majority vote of the members shall elect a Chairman and Vice Chairman who shall serve at the pleasure of the Commission. The Chairman shall preside over the Regular and Special meetings of the Commission.

1. The Chairman shall have the power to appoint a Secretary who need not be a member of the Commission. The Vice-Chairman shall perform such duties as prescribed by the Commission including but not limited to presiding over the Commission in the absence of the Chairman.

(C) The State Highway Commission shall meet in Regular Session once a month at the State Highway Department Main Office located in Montgomery, Alabama. The Commission shall meet at such other special meeting or meetings as called by the Chairman of the Commission or by a majority of the members of the commission as may be deemed reasonable and proper to transact business in the best interest of the Department. A majority of the members of the Commission shall constitute a quorum for the transaction of business. Except as otherwise provided by law, any power of the Commission may be exercised by a majority vote of those members present and voting at any meeting at which there is a quorum.

(D) The members of the Commission shall receive no salary. Members shall receive per diem expenses as provided by law for each day of attendance at meetings of the Commission. In addition, each member shall receive reimbursement of actual expenses incurred while engaged in the furtherance of the business of the Commission. Such per diem and expenses shall be paid from the funds of the Department upon presentation, by the members, of vouchers approved by the Chairman and signed by the Secretary of the Commission.

(E) Each member of the Commission shall execute a bond to the State of Alabama in an amount set by the Permanent Joint Highway Committee and approved by the Chairman of said committee for the faithful performance of his duties.

Section 4. Powers of the Commission

The commission shall be charged with the general control and supervision of the department. In the exercise of such general control and supervision the Commission shall have such duties, powers and authorities as expressly vested in it by this act, including but not limited to:

(A) Approval of Construction Contracts.

(B) Approval of all long-range plans and programs of the department.

Section 5. Highway Director—appointment. term. vacancy.

(A) The chief executive officer of the Highway Department shall be known as the Highway Director, who shall be appointed by a majority vote

of the total members of the Commission. The Director shall serve at the pleasure of the Commission. All powers, authority and duties vested in the Highway Department by law and not reserved by law in the State Highway Commission shall be executed by the Highway Director.

(B) The Director shall devote full time and attention to his duties. He shall be a resident of the State of Alabama for a period of five (5) years next preceding his appointment as Director. He shall maintain a full-time residency within Montgomery County, Alabama, during his term as Director.

(C) No former Director of the Highway Department of the State of Alabama shall be eligible to serve as Director of the Highway Department.

(D) The Director shall be compensated in an amount not more than Twenty Five Thousand (\$25,000.00) Dollars above the highest range allowed by the merit system pay scale for the highest paid merit system employee of the department. The salary shall be set by the Commission in the month of January each year.

(E) Prior to assuming the duties of his office, the Director shall execute to the State of Alabama a bond to be approved by the Commission in an amount fixed by the Commission for the faithful performance of his duties.

(F) In the event of a vacancy in the office of Director, the Deputy Director designated by the Commission shall become acting director until such time as the Commission at any regular or called meeting appoints a new director to fill the position of Director.

Section 6. Appointment, Duties and Qualifications of Deputy Director.

(A) The Director shall have authority to appoint a Deputy Director of the Department. ~~The appointment shall be subject to the approval of the Commission to serve at the pleasure of the Director.~~ Prior to assuming the duties of the office, the Deputy Director shall execute to the State of Alabama a bond to be approved by the Commission in an amount to be fixed by the Commission for the faithful performance of his duties.

(B) The Deputy Director may exercise to the extent permitted by law, only such power and duties of the Director as have been previously assigned to him by the Director. If a vacancy shall occur in the office of the Director, the Deputy Director shall assume all the power and duties of the Director upon approval of the Commission, to be exercised until such time as a successor to the Director has been appointed as provided by law.

(C) The Deputy Director shall be a resident of the State of Alabama for a period of three (3) years next preceding his appointment.

(D) The salary of the Deputy Director shall be compensated in an amount not more than Ten Thousand (\$10,000.00) Dollars above the highest range allowed by the merit system pay scale for the highest paid merit system employee of the department. The salary shall be set by the Commission in the month of January each year.

(D) The salary of the Deputy Director shall not exceed the state salary of the highest paid merit system employee of the Department.

Section 7. Sections 23-1-20, 23-1-21, 23-1-22, 23-1-32, 23-1-35, 23-1-37, 23-1-40, 23-1-41, 23-1-42, 23-1-54, 23-1-55, 23-1-58, 23-1-61, 23-1-150,

23-1-151, 23-1-152, 23-1-154, 23-1-156, 23-1-157, 23-1-158, 23-1-170, 23-1-171, 23-1-172, 23-1-174, 23-1-176, 23-1-177, 23-1-178, 23-1-300, 23-1-303, 23-1-305, 23-1-310, 23-1-313, 23-1-317, Code of Alabama 1975, to be amended to read as follows:

“§23-1-20.

There shall be a state highway department. The administration and control of the department shall be vested in the state highway commission.”

“§23-1-21.

The chief executive officer of the highway department shall be known as the highway director, who shall be appointed by the ~~governor~~ state highway commission and shall hold office at the pleasure of the ~~governor~~ state highway commission. All the powers, authority and duties vested in the highway department shall be exercised by the highway director.

Before entering upon the duties of his office, the highway director shall execute to the state of Alabama a bond, to be approved by the ~~governor~~ state highway commission, in an amount to be fixed by the ~~governor~~ state highway commission, for the faithful performance of his duties.”

“§23-1-22.

(a) There is hereby created within the state highway department the position of chief engineer, which shall be filled by appointment by the highway director, with the approval of the ~~governor~~ state highway commission. ~~Such appointment shall also be subject to approval by the state board of registration for engineers and land surveyors.~~ The salary of the chief engineer shall be as determined pursuant to chapter 6 of Title 36 of this Code, and he shall be allowed traveling expenses when traveling on business of the state pursuant to article 2 of chapter 7 of Title 36, all to be paid from funds of the state highway department as salaries and expenses of other state highway department employees are paid. The chief engineer shall give bond for the faithful performance of his duties in an amount to be approved by the ~~governor~~ state highway commission.

(b) The chief engineer shall serve under the direction of the highway director and otherwise be entitled to all the privileges and responsibilities as other merit system employees, and his service and removal shall be subject to the state merit system regulations.”

“§23-1-32.

The highway department shall be provided with suitable offices at the state capitol or such other places as the needs of the department may require, but no office in any other place than the capitol shall be established as an office of said department without the consent and approval of the ~~governor~~ state highway commission in writing. All offices shall be kept open at such times as the business of the department and the convenience and interest of the public may require. The offices shall be conveniently and properly furnished at the expense of the state and shall be the depository for all records of the highway department. The state highway director shall give his entire time to the duties of his office.”

“§23-1-35.

On or before April 1 in each year, the highway department shall submit a printed report to the ~~governor~~ state highway commission, stating as nearly

as possible the number of miles of road built or improved and also the culverts and bridges constructed during the preceding fiscal year, showing the cost and general character of same, and the location of material suitable for road construction, showing where such roads, culverts and bridges have been constructed. The department shall also recommend to the governor state highway commission and legislature such legislation as it deems advisable and furnish any other information concerning road and bridge improvements as may be deemed expedient by the governor state highway commission and the legislature.

"§23-1-37.

The highway department may work convicts in the construction or maintenance of public roads and bridges of Alabama, as may now or may hereafter be provided by law, or may work convicts in the construction, repairing or maintaining public roads or bridges by contract or agreement with the department of corrections as to the number of convicts required to do such work; provided, that the charge for labor of such convicts shall be in accordance with the terms of the contract which shall be negotiated by and between the director of the state highway department and the department of corrections, with the approval of the governor state highway commission, and no other expense incurred by the use of such convicts shall be chargeable to the highway department, except such necessary tools and implements used in the construction, repairing or maintaining of the public roads and bridges upon which the convicts are employed."

"§23-1-40.

(a) It shall be the duty of the highway department to designate the roads to be constructed, repaired and maintained and to construct, standardize, repair and maintain roads and bridges of this state; and it shall have **authority to make contracts or agreements to construct or pave the roadway** only of the street or streets which will serve to connect the state highway constructed or repaired by the highway department within any municipality in the state of Alabama.

(b) In such municipalities in which the highway department has not designated the street or streets which are a part of the state highways constructed or repaired by the highway department, it shall be the duty of the highway department to designate such street or streets. The highway department may also cooperate or contract with any municipality or county in the paving or improving of any street or streets, highway or highways or walkway or walkways upon which a state educational or eleemosynary institution, or the property thereof, may front or abut; provided, that where said state educational or eleemosynary institution or the property thereof fronts or abuts on both sides of such street or streets, highway or highways or walkway or walkways, the highway department is hereby authorized to and shall expend an amount of money sufficient to cover the entire cost thereof; provided further, that where such institution or the property thereof fronts or abuts on only one side of such street or streets, highway or highways or walkway or walkways, the said department shall expend an amount of money sufficient to cover only one half of the cost thereof; provided, that in such case, with the special approval of the governor state highway commission, said department shall be authorized to expend a sum of money sufficient for the entire cost and, provided further, the said department may also, with the special approval of the governor state highway commission, improve or pave any street or streets, driveway or driveways, including curb and gutter, and walkway or walkways on, by or through the grounds upon

which a state educational or eleemosynary institution is located and to pay the entire cost thereof.

(c) The highway department shall cause to be made and kept in its office a general highway map of the state which shall show all state roads.

(d) The highway department shall collect information and prepare statistics relative to the mileage, character and condition of the roads and bridges in all counties of the state.

(e) The highway department shall investigate and determine the methods of road construction best adapted to the various sections of the state and shall establish standards for the maintenance of roads and bridges which have been constructed with state aid.

(f) The highway department may, at all reasonable times, be consulted by county and municipal officials relative to any matter relating to the construction of roads and bridges or culverts, and the department may also call on all county and municipal officials for any information or assistance it may require and it shall be their duty to supply the same.

(g) The highway department shall determine the character and have the general supervision over the construction and maintenance of all the public roads, bridges and culverts in the state where the funds of the state are used and shall have a general supervision over the expenditure of any funds apportioned to any county of the state for the construction and maintenance of all public roads, bridges and culverts in each county."

"§23-1-41.

(a) The highway department is authorized and empowered and may, with the approval of the ~~governor~~ state highway commission provide for a self-insurance program covering a certain amount to be paid to the employees of the highway department who may be killed or injured in the line and scope of their employment; provided, that the amount paid to any such party on account of death or injury shall not exceed the amount or amounts as provided by the Workmen's Compensation Act of this State. The director of the highway department may, with the approval of the ~~governor~~ state highway commission, enter into an agreement with an agency, company or corporation qualified to administer a self-insured Workmen's Compensation program to administer the program or, in the alternative, the director may elect to administer the program with highway department personnel. The cost of this program shall be paid out of the funds of the highway department as provided by law, and to that end and for that purpose, the department may, with the consent and approval of the ~~governor~~ state highway commission, disburse any moneys appropriated or set apart for the construction, repair or maintenance of the public roads, bridges and highways of this state.

(b) The provisions of the 1981 amendments to this section shall be retroactive to February 1, 1980.

(c) Notwithstanding the provisions of subsection (b) of this section, any reinsurance policies which are in effect as of May 17, 1981, shall continue in force until September 30, 1981."

"§23-1-42.

(a) The roads and streets, drives and parking areas located on the campus of any state institution of higher learning, the Alabama state hospitals,

the Partlow State School and Hospital and the Alabama agricultural center in the city of Montgomery shall be deemed a part of the state highway system and may be constructed, maintained and repaired by the state highway department in the same manner as other highways and roads in the state highway system.

(b) The state highway department or the director thereof is hereby authorized and empowered to expend any funds in the public road and bridge fund to effectuate the purpose of this section, provided such expenditure is first approved by the ~~governor~~ state highway commission."

"§23-1-54.

Every contract for road or bridge construction, repair or maintenance under the provisions of this chapter shall be made in the name of the state of Alabama, approved by the highway department and the ~~governor~~ state highway commission."

"§23-1-55.

No contracts for construction, repair or renewals of highways, bridges or culverts shall be let without the approval of the ~~governor~~ state highway commission and until after all necessary right-of-way for such highways and right for material for construction and right-of-way for ingress and egress to said material have been legally procured and all documents covering such procurement have been placed on file with the highway director of the department."

"§23-1-58.

Neither the director, nor any member of the state highway commission, nor any deputy highway director, nor any other person in the employ of the ~~highway department shall be, either directly or indirectly, interested in any~~ contract or agreement for the construction or maintenance of any road or bridge in this state or in the sale of any machinery, material or anything whatever entering into the construction, repair or maintenance of the roads and bridges of this state."

"§23-1-61.

There is hereby appropriated to the highway department for its use the entire net revenue derived by the state from the sale of motor vehicle, trailer and tractor licenses, and such other appropriations or funds received by the highway department shall be expended and accounted for as provided in this article. Said state highway fund shall be paid out of the treasury on the comptroller's warrant drawn upon presentation to him of the certificate of the highway department approved by the ~~governor~~ state highway commission."

"§23-1-150.

It is the intention of the legislature by the passage of this article to authorize the incorporation of ~~the director of finance, the highway director, the attorney general,~~ the state treasurer and , the executive secretary to the governor of Alabama, the chairman of the state highway commission, the lieutenant governor and the speaker of the house of representatives for the purpose of constructing public roads and bridges, together with work incidental and related thereto, through a corporation to be composed of said officials whose incorporation is hereby authorized, to vest such corporation with all powers, authorities, rights, privileges and titles that may be necessary

to enable it to accomplish such purpose and to appropriate and pledge funds for the use of such corporation. This article shall be liberally construed in conformity with the said purpose."

"§23-1-151.

The ~~director of finance~~ chairman of the state highway commission, the highway director, ~~the attorney general~~, the state treasurer, ~~the lieutenant governor and the speaker of the house of representatives~~ and the executive secretary to the governor may become a corporation, with the powers and authorities provided in this article, by proceeding according to the provisions of this article."

"§23-1-152.

To become a corporation, ~~the director of finance~~, the highway director, ~~the attorney general~~, the state treasurer and , the executive secretary to the governor, ~~the chairman of the state highway commission, the lieutenant governor and the speaker of the house of representatives~~ shall present to the secretary of state of Alabama an application signed by them which will set forth:

(1) The name, official designation and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office;

(2) The date on which each applicant was inducted into office and the term of office of each of the applicants;

(3) The name of the proposed corporation, which shall be Alabama highway authority;

(4) The location of the principal office of the proposed corporation; and

(5) Any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this article or the laws of the state of Alabama.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the state of Alabama to take acknowledgments to deeds. The secretary of state shall examine the application, and if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office."

"§23-1-154.

The applicants named in the application, and their respective successors in office, shall constitute the members of the corporation. The ~~director of finance~~ chairman of the state highway commission shall be the president of the corporation, the executive secretary to the governor shall be the vice-president of the corporation, the highway director shall be the secretary of the corporation and the state treasurer shall be the treasurer of the corporation and shall act as custodian of its funds. The members of the corporation shall constitute all the members of the board of directors of the corporation, and any three members of the said board of directors shall constitute a quorum for the transaction of business. Should any of said officials of the state die or should his term of office as ~~director of finance~~, highway director, ~~attorney general~~, state treasurer or , executive secretary to the governor, ~~chairman of the state highway commission, lieutenant governor or speaker~~

of the house of representatives, as the case may be, expire, or should he resign therefrom, his successor in office shall take his place as a member, officer and director of the corporation. No member, officer or director of the corporation shall draw any salary, in addition to that now authorized by law, for any service he may render or any duty he may perform in connection with the corporation. All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the corporation and recorded in a substantially bound book. Copies of such proceedings, when certified by the secretary of the corporation under the seal of the corporation, shall be received in all courts as prima facie evidence of the matters and things therein certified."

"§23-1-156.

All contracts of the corporation for the construction, reconstruction and relocation of roads and bridges, and work incidental or related thereto and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the state highway department and shall be subject to approval by the governor state highway commission and by the state highway department. All work provided for in any such contract shall be supervised by the state highway department. All persons engaged in the supervision or performance of any such work of construction, reconstruction or relocation that may be done by the corporation without the award of a contract therefor shall be employees of the state highway department. The corporation shall make and enforce all reasonable rules and regulations not inconsistent with the terms of this article or the laws of the state of Alabama as may in its opinion be proper and suitable for the protection of said roads, bridges, approaches and appurtenances and for the safety of the traveling public. Any property acquired by the corporation by purchase, condemnation or otherwise shall be forthwith conveyed to the state of Alabama. All roads and bridges constructed by the **corporation shall constitute part of the public highway system in the state."**

"§23-1-157.

(a) The bonds of the corporation shall be signed by its president and attested by its secretary, and all interest coupons applicable to such bonds shall be signed by the president; provided, that a facsimile of the signature of one, but not of both, of said officers may be imprinted or otherwise reproduced on any such bonds in lieu of their being manually signed and a facsimile of the president's signature may be imprinted or otherwise reproduced on any such interest coupons in lieu of their being manually signed. The seal of the corporation shall be affixed to such bonds; provided, that a facsimile of said seal may be imprinted or otherwise reproduced on any such bonds in lieu of being manually affixed thereon.

(b) Any bonds of the corporation may be executed and delivered at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may contain provisions for redemption prior to maturity and may contain other provisions not inconsistent with this article, all as may be provided by the resolution of the board of directors whereunder such bonds are authorized to be issued; provided, that no bond of the corporation shall have a specified maturity date later than 20 years after its date. Any bond of the corporation having a specified maturity date more than five years after its date shall be made subject to redemption at the option of the corporation at the end of the fifth year after its date and on any interest payment date thereafter under such terms and conditions

as may be provided in the resolution under which such bond is authorized to be issued.

(c) Bonds of the corporation may be sold from time to time as the board of directors may deem advantageous; provided, that the aggregate principal amount of bonds of the corporation which may be issued under this article shall be limited to \$50,000,000.00, but the said limitation shall not apply to refunding bonds which may be issued under this article and also shall not apply to bonds of the corporation which may be issued under any other act which may at any time be enacted; provided further, that no bonds shall be issued under this article by the corporation in any instance where the aggregate of the principal thereof and interest thereon maturing during any fiscal year of the state of Alabama, when added to the total principal and interest maturing during the same fiscal year with respect to all bonds of the corporation then outstanding, if any there be, including bonds issued under this article and any other bonds of the corporation, exceeds 50 percent of the sum of, in the case of bonds issued during either of the fiscal years ending September 30, 1955, and September 30, 1956, one ninth of the proceeds of the gasoline excise tax levied under section 40-17-31, collected by the state of Alabama during the fiscal year ending September 30, 1954, or, in the case of bonds issued during any fiscal year ending subsequent to September 30, 1956, two twenty-firsts of the proceeds of the gasoline excise tax levied under section 40-17-31, collected by the state of Alabama during the fiscal year next preceding the fiscal year during which such bonds shall be issued.

(d) Bonds of the corporation must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the corporation for the bonds being sold, computed to their respective maturities; provided, that if no bid acceptable to the corporation is received, it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the city of New York, New York, and also by publication in a newspaper published in the state of Alabama which is customarily published not less than six days during each calendar week, each of which notices must be published at least one time not less than 10 days prior to the date fixed for the sale. The board of directors may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof and provided, further, that such terms and conditions shall not conflict with any of the requirements of this article.

(e) Subject to the provisions and limitations contained in this article, the corporation may, from time to time, sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the corporation issued under this article and then outstanding.

(f) Approval by the ~~governor of Alabama~~ state highway commission of the terms and conditions under which any bonds of the corporation may be issued shall be requisite to their validity. Such approval shall be entered on the minutes of the respective meetings of the board of directors at which the bonds are authorized and shall be signed by the ~~governor~~ chairman of the state highway commission. Such approval by the ~~governor~~ chairman of the state highway commission may be shown on any such bonds by his facsimile signature when authorization thereof is contained in the said approval signed by him.

(g) The corporation may pay out of the proceeds from the sale of its bonds all expenses, including fees of fiscal agents and attorneys and other charges, which said board of directors may deem necessary and advantageous in connection with the issuance of such bonds. Bonds issued by the corporation under this article shall not be general obligations of the corporation, but shall be payable solely out of the funds appropriated and pledged therefor.

(h) As security for the payment of the principal of and interest on any bonds issued by it under this article the corporation is hereby authorized and empowered to pledge for payment of said principal and interest the funds that are appropriated and pledged for payment of said principal and interest. All such pledges made by the corporation shall take precedence in the order of the adoption of the resolutions containing such pledges. All contracts made and all bonds issued by the corporation pursuant to the provisions of this article shall be solely and exclusively obligations of the corporation and shall not be an obligation or debt of the state of Alabama. Bonds issued by the corporation under this article shall be construed to be negotiable instruments although payable solely from a specified source as provided in this article.

(i) All bonds issued by the corporation and the income therefrom shall be exempt from all taxation in the state of Alabama. Any bonds issued by the corporation may be used by the holder thereof as security for any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law.

(j) Unless otherwise directed by the court having jurisdiction thereof or by the document that is the source of authority, a trustee, executor, administrator, guardian or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in bonds of the **corporation.**

(k) Neither a public hearing nor consent by the state department of finance or any other department or agency shall be a prerequisite to the issuance of bonds of the corporation."

"§23-1-158

The proceeds of all bonds, other than refunding bonds, issued by the corporation, remaining after paying the expenses of their issuance, shall be turned in to the treasury, shall be carried in the public road and bridge account and shall be subject to be drawn on by the corporation, upon the approval of the state highway department and the governor state highway commission, but solely for the purpose of constructing, reconstructing and relocating public roads and bridges, or work incidental or related thereto, in the state of Alabama, including the acquisition of property necessary for such construction and incidental and related work; provided, that if such action shall be necessary in order to comply with any federal legislation relating to federal aid in construction of roads, the corporation may authorize the state highway department to expend directly any portion of such proceeds for constructing, reconstructing and relocating such roads and bridges or work incidental or related thereto. The proceeds from the sale of any refunding bonds of the corporation remaining after paying the expenses of their issuance shall be used only for the purpose of refunding the principal of outstanding bonds of the corporation and of paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded."

“§23-1-170.

It is the intention of the legislature by the passage of this article to authorize the incorporation of a public corporation for the following purposes:

(1) To issue bonds to assure the availability of funds for payment of the state's share of the cost of constructing roads and bridges as shall from time to time be constructed with funds supplied jointly by the state and federal government; and

(2) To construct and maintain, or participate in the construction and maintenance, or lend its aid in construction and maintenance or contract for construction and maintenance of roads and bridges in the state of Alabama, as well as the approaches thereto, including the reconstruction and relocating of approaches, causeways and like or other highway facilities which may, from time to time, be constructed and maintained with funds to be supplied jointly by the state and federal government, together with work incidental and related thereto, through a corporation to be composed of said officials whose incorporation is hereby authorized to vest such corporation with all powers, authorities, rights, privileges and titles that may be necessary to enable it to accomplish such purpose, and to appropriate and pledge funds for the use of such corporation.

All construction and maintenance referred to in this section shall be done under the direction and supervision of the state highway department. The state highway department may assign, contract or delegate the work of construction and maintenance under its general powers, subject to approval by the governor state highway commission. This article shall be liberally construed in conformity with the said purposes.”

“§23-1-171.

The highway director, ~~the attorney general and the director of finance~~ the lieutenant governor and the speaker of the house of representatives may become a corporation, with the powers and authorities provided in this article, by proceeding according to the provisions of this article.”

“§23-1-172.

To become a corporation, the highway director, ~~the attorney general and the director of finance~~ the lieutenant governor and the speaker of the house of representatives shall present to the secretary of state of Alabama an application signed by them which shall set forth:

(1) The name, official designation and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office;

(2) The date on which each applicant was inducted into office and the term of office of each of the applicants;

(3) The name of the proposed corporation, which shall be Alabama highway finance corporation;

(4) The location of the principal office of the proposed corporation, which shall be Montgomery, Alabama; and

(5) Any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this article or the laws of the state of Alabama.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the state of Alabama to take acknowledgments to deeds. The secretary of state shall examine the application, and if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office."

"§23-1-174.

The applicants named in the application and their respective successors in office shall constitute the members of the corporation. The highway director shall be the president of the corporation, the ~~attorney general~~ lieutenant governor shall be its vice-president, the ~~director of finance~~ speaker of the house of representatives shall be the secretary of the corporation and the state treasurer shall be the treasurer of the corporation and shall act as custodian of its funds. The members of the corporation shall constitute all the members of the board of directors of the corporation, and any two members of the said board of directors shall constitute a quorum for the transaction of business. Should any of said officials of the state die or should his term of office as highway director, ~~attorney general or director of finance~~ lieutenant governor or speaker of the house of representatives, as the case may be, expire or should he resign therefrom, his successor in office shall take his place as a member, officer and director of the corporation. No member, officer or director of the corporation shall draw any salary, in addition to that now authorized by law, for any service he may render or any duty he may perform in connection with the corporation. All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the corporation and recorded in a substantially bound book. Copies of such proceedings, when certified by the secretary of the corporation under the seal of the corporation, shall be received in all courts as prima facie evidence of the matters and things therein certified."

"§23-1-176.

All contracts of the corporation for the construction, reconstruction and relocation of roads and bridges, and work incidental or related thereto and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the state highway department and shall be subject to approval by the ~~governor~~ state highway commission and by the state highway department. All work provided for in any such contract shall be supervised by the state highway department. All persons engaged in the supervision or performance of any such work of construction, reconstruction or relocation that may be done by the corporation without the award of a contract therefor shall be employees of the state highway department. Any property acquired by the corporation by purchase, condemnation or otherwise shall be forthwith conveyed to the state of Alabama. All roads and bridges constructed by the corporation shall constitute part of the public highway system in the state."

"§23-1-177.

(a) The bonds of the corporation shall be signed by its president and attested by its secretary, and the seal of the corporation shall be affixed thereto or printed or otherwise reproduced thereon, and any interest coupons applicable to such bonds shall be signed by the president; provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lieu of his signing the same

and a facsimile of the president's signature may be printed or otherwise reproduced on any such interest coupons in lieu of his signing the same.

(b) Any bonds of the corporation may be executed and delivered by it at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may contain provisions for redemption prior to maturity and may contain such other provisions not inconsistent with this article, all as may be provided by the resolution of the board of directors under which such bonds are authorized to be issued; provided, that no bond of the corporation shall have a specified maturity date later than 20 years after its date.

(c) Bonds of the corporation may be sold from time to time as the board of directors may deem advantageous; provided, that the aggregate principal amount of bonds of the corporation, other than refunding bonds, which may be issued under this article after February 1, 1978, shall be limited to \$25,000,000.00; and provided, further, that no bonds, other than refunding bonds, may be sold or issued by the corporation unless the governor shall have first determined that the issuance of the bonds proposed to be issued will be necessary to assure the availability of funds for payment of the state's share of the cost of roads and bridges that shall from time to time be constructed with funds supplied jointly by the state and the federal government.

(d) Bonds of the corporation must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the corporation for the bonds being sold, computed to their relative maturities; provided, that if no bid acceptable to the corporation is received it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the city of New York, New York and also by publication in a newspaper published in the state of Alabama that is customarily published not less often than five days during each calendar week, each of which notices must be published at least one time not less than 10 days prior to the date fixed for the sale. The board of directors may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided, further, that such terms and conditions shall not conflict with any of the requirements of this article.

(e) Subject to the provisions and limitations contained in this article, the corporation may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the corporation then outstanding. Approval by the governor of Alabama state highway commission of the terms and conditions under which any bonds of the corporation may be issued shall be requisite to their validity. Such approval shall be entered on the minutes of the meetings of the board of directors at which the bonds are authorized and shall be signed by the governor chairman of the state highway commission. Such approval by the governor chairman of the state highway commission may be shown on any such bonds by a facsimile of his signature printed or otherwise reproduced thereon when authorization thereof is contained in the said approval signed by him.

(f) The corporation may pay out of the proceeds from the sale of its bonds all expenses, including fees of attorneys and other charges, which said board of directors may deem necessary and advantageous in connection with the issuance of such bonds. Bonds issued by the corporation shall not be

general obligations of the corporation but shall be payable solely out of the funds appropriated and pledged therefor by act of the legislature. As security for the payment of the principal of, and interest on, any bonds issued by it, the corporation is hereby authorized and empowered to pledge for payment of such principal and interest the funds that are appropriated and pledged by act of the legislature for payment of said principal and interest.

(g) All contracts made and all bonds issued by the corporation pursuant to the provisions of this article shall be solely and exclusively obligations of the corporation and shall not be an obligation or debt of any kind of the state of Alabama. Bonds issued by the corporation when not registered shall be construed to be negotiable instruments although payable solely from a specified source as provided in this article. All bonds issued by the corporation and the income therefrom shall be exempt from all taxation in the state of Alabama. Any bonds issued by the corporation may be used by the holder thereof as security for any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law.

(h) Unless otherwise directed by the court having jurisdiction thereof or by the document that is the source of authority, a trustee, executor, administrator, guardian or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust and other fiduciary funds in bonds of the corporation.

(i) Neither a public hearing nor consent by the state department of finance or any other department or agency shall be a prerequisite to the issuance of bonds by the corporation. All obligations issued by the corporation shall be exempt from the laws of the state governing usury or prescribing or limiting interest rates including but without limitation to the provisions **of chapter 8 of Title 8 of this Code, as it now exists and as it may at any time be amended.**"

"§23-1-178.

The proceeds of all bonds, other than refunding bonds, issued by the corporation remaining after paying the expenses of their issuance shall be turned in to the treasury, shall be carried in the public road and bridge account and shall be subject to be drawn on by the corporation, upon the approval of the state highway department and the ~~governor~~ state highway commission, but solely for the purpose of constructing, reconstructing and relocating public roads and bridges, or work incidental or related thereto, including the acquisition of property necessary therefor, in the state of Alabama; provided, that such funds may be used only for payment of the state's share of the cost of constructing, reconstructing and relocating public roads and bridges, or work incidental or related thereto, which have been or will be constructed, reconstructed or relocated under programs financed jointly by the state and the federal government; and provided further, that if such action shall be necessary in order to comply with any federal legislation relating to federal aid in construction of roads, the corporation may authorize the state highway department to expend directly any portion of such proceeds for constructing, reconstructing and relocating such roads and bridges, or work incidental or related thereto. The proceeds from the sale of any refunding bonds of the corporation remaining after paying the expenses of their issuance shall be used only for the purpose of refunding the principal of outstanding bonds of the corporation and of paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded."

“§23-1-300.

(a) It is the intention of the legislature by the passage of this article to authorize the incorporation of the ~~director of finance chairman of state highway commission~~, the highway director, the ~~attorney general lieutenant governor~~, the state treasurer ~~and the~~ executive secretary to the governor of Alabama ~~and the speaker of the house of representatives~~ for the purpose of anticipating and providing for (i) the federal share of the cost of constructing federal-aid interstate and defense highways and (ii) the federal share of the cost of constructing federal-aid primary highways, together with work incidental and related to the construction of all such highways, and thus to accelerate the construction of such interstate, defense and primary highways in the state by the issuance of the obligations of such corporation, which shall not be bonds or debts of the state but shall be payable solely from federal-aid highway funds to be received during the federal fiscal years ending 1978 through 1995 and the tax proceeds and investment income provided therefor by this article.

(b) This article shall be liberally construed in conformity with the said purpose.”

“§23-1-302.

The ~~director of finance chairman of the state highway commission~~, the highway director, ~~the attorney general the lieutenant governor~~, the state treasurer, ~~and the~~ executive secretary to the governor ~~and the speaker of the house of representatives~~ may become a corporation with the powers and authorities provided in this article by proceeding according to the provisions of this article.”

“§23-1-303.

(a) To become a corporation, ~~the director of finance chairman of the state highway commission~~, the highway director, the ~~attorney general lieutenant governor~~, the state treasurer, ~~and the~~ executive secretary to the governor ~~and the speaker of the house of representatives~~ shall present to the secretary of state of Alabama an application signed by them which will set forth:

- (1) The name, official designation and official residence of each of the applicants;
- (2) The date on which each applicant was inducted in the office and the term of office of each of the applicants;
- (3) The name of the proposed corporation, which shall be Alabama federal aid highway finance authority;
- (4) The location of the principal office of the proposed corporation; and
- (5) Any other matter relating to the proposed corporation which the applicants may choose to insert and which is not inconsistent with this article or the laws of the state of Alabama.

(b) The application shall be subscribed and sworn to by each of the applicants before an officer authorized by laws of the state of Alabama to take acknowledgments to deeds.

(c) The secretary of state shall examine the application and, if he finds that it substantially complies with the requirements of this section, he

shall receive and file it and record it in an appropriate book of records in his office."

"§23-1-305.

(a) The applicants named in the application and their respective successors in office shall constitute the members of the corporation.

(b) The ~~director of finance~~ chairman of the state highway commission shall be the president of the corporation, the executive secretary to the governor shall be the vice-president of the corporation, the highway director shall be the secretary of the corporation and the state treasurer shall be the treasurer of the corporation and shall act as custodian of its funds.

(c) The members of the corporation shall constitute all the members of the board of directors of the corporation, and any three members of said board of directors shall constitute a quorum for the transaction of business.

(d) Should any of said officials of the state die or should his term of office (as ~~director of finance~~ chairman of the state highway commission, highway director, ~~attorney general~~ lieutenant governor, state treasurer or executive secretary to the governor or speaker of the house of representatives, as the case may be) expire or should he resign therefrom, his successor in office shall take his place as a member, officer and director of the corporation.

(e) No member, officer or director of the corporation shall draw any salary in addition to that now authorized by law for any service he may render or any duty he may perform in connection with the corporation.

(f) All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the corporation and recorded in a substantially bound book. Copies of such proceedings, when certified by the secretary of the corporation under the seal of the corporation, **shall be received in all courts as prima facie evidence of the matters and things therein certified.**"

"§23-1-310.

Obligations of the authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board of directors to be most advantageous; provided, that none of the obligations may be sold for a price less than 97 percent of par or face value. Approval by the ~~governor of Alabama~~ state highway commission of the terms and conditions under which any of the obligations authorized by this article may be issued shall be requisite to their validity, which approval, signed by the ~~governor~~ chairman of the state highway commission, shall be entered on the minutes of the respective meetings of the board of directors at which such obligations proposed to be issued are authorized. Neither a public hearing or consent by the state department of finance nor any other department or agency shall be a prerequisite to the issuance of any of the obligations. All obligations issued by the authority shall be exempt from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of chapter 8 of Title 8 of this Code, as it now exists and as it may at any time be amended."

"§23-1-313.

The authority shall pay out of the proceeds from the sale of the obligations authorized by this article all expenses that the board of directors

may deem necessary and advantageous in connection with the sale and issuance thereof. The proceeds from the issue of any obligations authorized by this article, (i) except the proceeds of bonds which were issued to pay principal and interest of temporary bonds or notes and in anticipation of which such temporary bonds or notes shall have been issued, and (ii) except the proceeds of refunding bonds issued to refund any outstanding obligation, remaining after paying the expenses of their sale and issuance, shall be deposited in the state treasury, shall be credited to the road and bridge fund and shall be subject to be withdrawn by the authority, upon the approval of the state highway department and the ~~governor~~ state highway commission, but only for the purpose of paying the federal share of the cost of interstate, defense and primary highways, or work incidental or related to any such construction within the state (including the acquisition of property necessary for such construction and related work) to be repaid to the state by the federal government, and such proceeds shall be used for no other purpose. The proceeds from the sale of the obligations shall not be expended for any highway construction project until such time as the United States secretary of transportation or his designated representative shall have approved the design and location of the project, shall have formally stated in writing that such project will be eligible for federal aid matching funds when such funds become available and shall have entered into a written agreement providing for the repayment of such funds. Proceeds of bonds issued to provide funds for payment of the principal of and interest on temporary bonds or notes issued in anticipation of the sale and issuance of such bonds shall be used solely for the purpose of paying the expenses of the sale and issuance of such bonds and the payment of the principal of and interest on such temporary bonds or notes. Proceeds of refunding bonds issued for the purpose of refunding any outstanding obligations of the authority remaining after payment of the expenses of their issuance shall be used solely for payment of the principal of and interest on such outstanding obligations of the authority and of paying any premium that may be necessary to be paid in order to redeem and retire the obligations to be refunded."

"§23-1-317.

(a) If such action shall be necessary in order to comply with any federal legislation relating to federal aid in construction of roads and highways, the authority may authorize the state highway department to expend directly any portion of proceeds from obligations issued under this article for constructing, reconstructing and relocating interstate, defense and primary highways or work incidental or related thereto.

(b) All contracts of the authority for the construction, reconstruction and relocation of interstate, defense and primary highways, and work incidental or related thereto and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the state highway department and shall be subject to approval by the ~~governor~~ state highway commission and by the state highway department. All work provided for in any such contract shall be supervised by the state highway department.

(c) All persons engaged in the supervision or performance of any such work of construction, reconstruction or relocation that may be done by the authority without the award of a contract therefor shall be employees of the state highway department.

(d) The authority shall make and enforce all reasonable rules and regulations not inconsistent with the terms of this article or the laws of the

state of Alabama as may, in its opinion, be proper and suitable for the protection of said interstate, defense and primary highways and approaches and appurtenances thereto and for the safety of the traveling public; provided, however, that the above provisions shall apply only to the extent that they are not in conflict with any federal legislation, regulation or requirement relating to federal aid in interstate, defense and primary highway construction.

(e) Any property acquired by the authority by purchase, condemnation or otherwise shall be forthwith conveyed to the state of Alabama.

(f) All interstate, defense and primary highways constructed by the corporation shall constitute part of the public highway system in the state."

Section 8. Sections 23-2-143, 23-2-144 and 23-2-161, Code of Alabama 1975, are hereby amended to read as follows:

"§23-2-143.

(a) There is hereby established a body corporate and politic with corporate succession, to be known as the "Alabama toll road, bridge and tunnel authority." The authority is hereby constituted an instrumentality exercising public and essential governmental functions and the exercise by the authority of the powers conferred by this article shall be deemed and held to be an essential governmental function of the state.

(b) The authority shall consist of the governor, the lieutenant governor, the speaker of the house of representatives, the highway director, one member of the senate to be appointed by the lieutenant governor, one member of the house of representatives to be appointed by the speaker of the house and one person from the state at large to be appointed by the governor chairman of the joint legislative highway committee.

(c) The governor shall be chairman of the authority. The authority shall elect a secretary and a treasurer who need not be members and may be one and the same person. Four members of the authority shall constitute a quorum and the concurrence of four members shall be necessary for any action taken by the authority. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority. Should any of the said officials of the state die or should his term of office, as such official, expire, or should he resign therefrom, his successor in office shall take his place as a member or officer of the authority. Any vacancy in the appointed membership of the authority shall be filled in the same manner as the original appointment was made.

(d) If the secretary and treasurer are not members of the authority, before the issuance of any toll road, bridge or tunnel revenue bonds under the provisions of this article, the secretary shall execute a surety bond in the penal sum of \$25,000.00 and the treasurer shall execute a surety bond in the penal sum of \$50,000.00, which shall be sufficient if he be secretary also. Each such surety bond shall be conditioned upon the faithful performance of the duties of the office of secretary or treasurer, as the case may be, to be executed by a surety company authorized to transact business in the state of Alabama as surety, and to be approved by the governor state highway commission and filed in the office of the secretary of state. The cost of such bonds shall be borne by the authority.

(e) The members of the authority shall serve without compensation. The appointed members shall receive reimbursement for their expenses when

actively engaged on the authority's business, such expenses to be paid in accordance with article 2 of chapter 7 of Title 36."

"§23-2-144.

The authority shall have the following powers:

- (1) To adopt bylaws for the regulation of its affairs and the conduct of its business;
- (2) To adopt an official seal and alter the same at pleasure;
- (3) To maintain a principal office and branch offices at such place or places within the state as it may designate;
- (4) To sue and be sued in its own name, including suits in tort;
- (5) To acquire and construct toll road, bridge or tunnel projects at such locations as the authority may determine to be desirable, practicable and economically feasible and to maintain, repair and operate such projects;
- (6) To issue toll road, bridge or tunnel revenue bonds of the authority for any of its corporate purposes, payable solely from its tolls, other revenues and proceeds of such bonds, and to refund its bonds, all as provided in this article. No bonds issued under the provisions of this article shall constitute a debt or liability of the state or of any political subdivision thereof or a pledge of the faith and credit of the state or of any such political subdivision, and neither the state nor any political subdivision thereof shall ever pay or agree to pay any portion of the same, but such bonds shall be payable solely from the funds pledged or available for their payment as authorized in this article. All such toll road, bridge or tunnel revenue bonds shall contain on the face thereof a statement to the effect that the authority is obligated to pay the same or the interest thereon only from its tolls or other revenues and that neither the state nor any political subdivision thereof is obligated to pay the same or the interest thereon and that neither the faith and credit nor the taxing power of the state or of any political subdivision thereof is pledged to the payment of the principal thereof or the interest thereon;
- (7) To fix and revise from time to time, charge and collect tolls for transit over or through toll road, bridge and tunnel projects constructed by it;
- (8) To establish rules and regulations for the use of any project;
- (9) To acquire, hold and dispose of real and personal property;
- (10) To acquire in the name of the authority, by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by condemnation in accordance with the provisions of Title 18, and other provisions of law, insofar as the same may be applicable, any land and other property or any easement or interest therein, which it may determine is reasonably necessary for any toll road, bridge or tunnel project or for its protection and preservation, or for the construction, relocation or reconstruction of any access highway, street or road; and to acquire by purchase or by condemnation, land necessary for drainage ditches, clay, sand and gravel pits, and lime and stone quarries, together with any other material of every character that may

be necessary in the construction and maintenance of toll road, bridge or tunnel projects and access highways and roads;

(11) To designate points of ingress to and egress from each toll road, bridge or tunnel project and to prohibit entrance to and exit from such project at any point or points not so designated;

(12) To make and enter into contracts and agreements necessary for, or incidental to, the performance of its duties and the execution of its powers under this article, including contracts and agreements for professional services deemed necessary for such purposes by the authority;

(13) To appoint managers, superintendents, tolltakers and such other employees and agents as may be necessary, in its judgment, to the efficient accomplishment of the purposes of this article;

(14) To receive and accept from any federal agency, subject to the approval of the ~~governor~~ state highway commission, grants for, or in aid of, the construction of any project and to receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made;

(15) To provide coverage for its employees under the provisions of chapter 5 of Title 25, and the federal Social Security Act; and

(16) To do all acts and things necessary or convenient to carry out the powers granted in this article."

"§23-2-161.

The state highway department is hereby authorized, subject to the approval of the ~~governor~~ state highway commission, to expend out of any funds available to it such moneys as may be necessary for the study of **any proposed toll road, bridge or tunnel project authorized under this article** and to use its engineering and other forces, including consulting engineers and traffic engineers, for the purpose of effecting the study. All such expenses incurred by the department prior to the issuance of revenue bonds under the provisions of this article shall be paid by the department and charged to the appropriate project or projects and the department shall keep proper records and accounts showing each amount so charged.

Upon the sale of toll road, bridge or tunnel revenue bonds for a toll road, bridge or tunnel project, the funds so expended by the department in connection with a project shall be reimbursed by the authority to the department from the proceeds of such bonds and thereafter all expenses incurred in carrying out the provisions of this article shall be payable solely from funds provided under the authority of this article.

Nothing in this article shall be construed so as to authorize the authority to incur indebtedness or liability on behalf of or payable by the state or by any of its political subdivisions."

Section 9. Sections 23-6-2, 23-6-3, 23-6-4, 23-6-6, 23-6-8 and 23-6-9, Code of Alabama 1975, are hereby amended to read as follows:

"§23-6-2.

It is the intention of the legislature by the passage of this chapter to authorize the incorporation of a public corporation for the following purposes:

To issue bonds to assure the availability of funds for payment of the cost of constructing industrial access roads and bridges as shall from time to time be constructed;

To construct industrial access roads and bridges through a corporation to be composed of the officials whose incorporation is hereby authorized;

To vest such corporation with all powers, authorities, rights, privileges, and titles that may be necessary to enable it to accomplish such purpose; and

To appropriate and pledge funds for the use of such corporation. All construction herein referred to shall be performed by or under the direction and supervision of the state highway department. The state highway department may assign, contract or delegate the work of construction under its general powers, subject to approval by the ~~governor~~ state highway commission. This chapter shall be liberally construed in conformity with the said purposes."

"§23-6-3.

The highway director, the state treasurer and the ~~director of finance chairman of the state highway commission~~ may become a corporation, with the powers and authorities hereinafter provided, by proceeding according to the provisions of this chapter."

"§23-6-4.

To become a corporation, the highway director, the state treasurer and the ~~director of finance chairman of the state highway commission~~ shall present to the secretary of state of Alabama an application signed by them which shall set forth:

- (1) The name, official designation and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office;
- (2) The date on which each applicant was inducted into office and the term of office of each of the applicants;
- (3) The name of the proposed corporation, which shall be Alabama Industrial Access Road and Bridge Corporation;
- (4) The location of the principal office of the proposed corporation, which shall be Montgomery, Alabama; and
- (5) Any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this chapter or the laws of the state of Alabama.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the state of Alabama to take acknowledgements to deeds. The secretary of state shall examine the application and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

"§23-6-6.

The applicants named in the application and their respective successors in office shall constitute the members of the corporation. The highway director shall be the president of the corporation, the state treasurer shall be its vice-president, the ~~director of finance chairman of the state highway commission~~ shall be the secretary of the corporation, and the state treasurer shall be the treasurer of the corporation and shall act as custodian of its

funds. The members of the corporation shall constitute all the members of the board of directors of the corporation, and any two members of the said board of directors shall constitute a quorum for the transaction of business. Should any of said officials of the state die or should his term of office as highway director, state treasurer, or ~~director of finance~~ chairman of the state highway commission, as the case may be, expire or should he resign therefrom, his successor in office shall take his place as a member, officer and director of the corporation. No member, officer or director of the corporation shall draw any salary, in addition to that now authorized by law, for any service he may render or any duty he may perform in connection with the corporation. All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the corporation and recorded in a substantially bound book. Copies of such proceedings, when certified by the secretary of the corporation under the seal of the corporation, shall be received in all courts as prima facie evidence of the matters and things therein certified."

"§23-6-8.

The bonds of the corporation shall be signed by its president and attested by its secretary and the seal of the corporation shall be affixed thereto or a facsimile thereof printed or otherwise reproduced thereon. The signatures of both the president and the secretary on any bonds may be facsimile signatures if the board of directors, in its proceedings with respect to issuance of such bonds, provides for manual authentication thereof (or manual execution of certificates of registration thereon) by a trustee, registrar or paying agent or by named individuals who are employees of the state assigned to the finance department or the state treasurer's office. Any bonds of the corporation may be executed and delivered by it at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, **may contain provisions for redemption prior to maturity for refunding at or before maturity with refunding bonds** of the corporation or of another governmental entity or public corporation of the state and for defeasance of any unmatured refunded bonds through the use of any such refunding bonds, and may contain such other provisions not inconsistent herewith, all as may be provided by the resolution of the board of directors under which such bonds are authorized to be issued; provided, that no bond of the corporation shall have a specified maturity date later than 10 years after its date. Bonds of the corporation may be sold from time to time in one or several series and pursuant to a single bond resolution or separate bond resolutions, all as the board of directors may deem advantageous; provided, that the aggregate principal amount of bonds of the corporation at any one time outstanding shall not exceed \$25,000,000.00, excluding refunding bonds, which shall not be considered in determining such limit; provided, further, that no bonds (other than refunding bonds) may be sold or issued by the corporation unless the ~~governor~~ state highway commission shall have first determined that the issuance of the bonds proposed to be issued will be necessary to assure the availability of funds for payment of the cost of industrial access roads and bridges that shall from time to time be constructed.

Obligations of the corporation may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board of directors to be most advantageous; provided, that none of the obligations may be sold for a price less than 97 percent of par or face value. Subject to the provisions and limitations contained in this chapter, the corporation may from time to time sell and

issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the corporation then outstanding. Approval by the governor state highway commission of Alabama of the terms and conditions under which any bonds of the corporation may be issued shall be requisite to their validity. Such approval shall be entered on the minutes of the meetings of the board of directors at which the bonds are authorized, and shall be signed by the governor chairman of the state highway commission. Such approval by the governor chairman of the state highway commission may be (but is not required to be) shown on any such bonds by a facsimile of his signature printed or otherwise reproduced thereon when authorization thereof is contained in the said approval signed by him. The corporation may pay out of the proceeds from the sale of its bonds all expenses, including fees of attorneys and other charges, which said board of directors may deem necessary and advantageous in connection with the issuance of such bonds. Bonds issued by the corporation shall not be general obligations of the corporation but shall be payable solely out of the funds appropriated and pledged therefor in section 23-6-10 hereof. As security for the payment of the principal of and interest on any bonds issued by it, the corporation is hereby authorized and empowered to pledge for payment of such principal and interest the funds that are appropriated and pledged in section 23-6-10 hereof for payment of said principal and interest. All such pledges made by the corporation shall take precedence in the order of the adoption of the resolution containing such pledges. All contracts made and all bonds issued by the corporation pursuant to the provisions of this chapter shall be solely and exclusively obligations of the corporation and shall not be an obligation or debt of any kind of the state of Alabama. Bonds issued by the corporation shall be construed to have all the qualities and incidents of negotiable instruments subject to the registration provisions pertaining to transfers. All bonds issued by the corporation and the income therefrom shall be exempt from all taxation in the state of Alabama. Any bonds issued by the corporation may be used by the holder thereof as security for any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust and other fiduciary funds in bonds of the corporation. Neither a public hearing nor consent by the state department of finance or any other department or agency shall be a prerequisite to the issuance of bonds by the corporation."

"§23-6-9.

The proceeds of all bonds, other than refunding bonds, issued by the corporation, remaining after paying the expenses of their issuance, shall be turned into the treasury, shall be carried in a special industrial access road and bridge construction account, and shall be available to be drawn upon by the corporation, upon the approval of the state highway department and the governor state highway commission, but solely for the purpose of constructing, reconstructing and relocating industrial access roads and bridges and work incidental or related thereto, including the acquisition of property necessary therefor. Moneys on deposit in the industrial access road and bridge construction account shall be invested by the state treasurer at the direction of the corporation in permitted investments which mature at such time or times as the corporation shall direct. Net interest income earned from the investment of bond proceeds deposited into the industrial access

road and bridge construction account shall be deposited as received by the state treasurer into the state public road and bridge fund to be used for state highway purposes.

The proceeds from the sale of any refunding bonds of the corporation remaining after paying the expenses of their issuance shall be used only for the purpose of refunding outstanding bonds of the corporation and of paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded. Bonds refunded prior to their maturity with the proceeds of refunding bonds shall be defeased if the corporation, in its proceedings regarding issuance of the refunding bonds provides for and establishes a trust or escrow fund comprised of moneys or government securities, or both, sufficient to pay, when due, the entire principal of, premium, if any, and interest on the refunded bonds; provided, that such government securities shall not be subject to redemption prior to their maturities other than at the option of the holder thereof. Upon the establishment of such a trust or escrow fund, the refunded bonds shall no longer be deemed to be outstanding, shall no longer be secured by the funds pledged therefor in section 23-6-10 of this chapter, shall no longer be obligations of the corporation and shall be secured solely by and payable from moneys and government securities deposited in such trust or escrow fund. All contracts of the corporation for the construction, reconstruction and relocation of industrial access roads and bridges, work incidental or related thereto, and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the state highway department, and shall be subject to approval by the ~~governor~~ state highway commission and by the state highway department. All work provided for in any such contract shall be supervised by the state highway department. All persons engaged in the supervision of performance of any such work of construction, reconstruction or relocation that may be **done by the corporation without the award of a contract therefor shall be** employees of the state highway department. Any property acquired by the corporation by purchase, condemnation or otherwise shall be acquired in the name of the state or shall be forthwith conveyed to the state. All roads and bridges constructed by the corporation shall constitute part of the public highway and street system of the state.

There is hereby appropriated so much of the bond proceeds as may be necessary for the construction of industrial access roads and bridges in the state."

Section 10. Section 8-17-91, Code of Alabama 1975, is hereby amended to read as follows:

"§8-17-91.

(a) The proceeds from the permit fees, inspection fees and penalties, if any, collected by the commissioner of agriculture and industries pursuant to the provisions of this division shall be paid into the state treasury and distributed by the state treasurer as follows:

(1) \$175,000.00 of the proceeds received each month shall accrue to the credit of, and be deposited in, the agricultural fund; and

(2) The balance of the proceeds shall be distributed as follows:

a. 13.87 percent of the balance of the proceeds shall be distributed equally among each of the 67 counties of the state monthly. Such funds shall be used by the counties for the following purpose: When the use

is by a county, such use shall be for the construction, including draining, grading, basing, paving, signing and erosion items, of certain high density unpaved roads as herein provided and for the construction or reconstruction of bridges on such high density roads. The use may also be for the reconstruction, resurfacing, restoration and rehabilitation of the paved county roads and bridges or bridge replacement on the county road system. The use may also be for the construction, including draining, grading, basing and paving of certain unpaved roads, and reconstruction of certain paved roads accessing certain public and private recreational facilities and areas.

There is hereby created a committee to be referred to as the secondary road committee comprised of two county engineers appointed by the state highway director, two county commission members appointed by the governor.

chief of the bureau of secondary roads. The committee members shall serve at the pleasure of the appointing authority. The committee shall elect one of its members to serve as chairman. A quorum of the committee shall consist of no less than three members. Committee members shall serve without compensation.

The secondary road committee shall develop and publish criteria for the designation of high density roads and bridges and for the designation of eligible recreational access roads. The committee may in its discretion provide different criteria for counties according to population, topography and road mileage. The committee shall also develop and publish minimum design standards, including allowable cost items, for the construction, reconstruction, surfacing, resurfacing, restoration and rehabilitation of such high density roads and bridges and recreational access roads. Criteria and standards developed by the committee shall be published by distributing printed copies thereof to the chairman of each county commission in Alabama no later than 90 days after May 1, 1984. The committee may from time to time amend the criteria and standards developed provided that at least 60 days notice is provided in writing to the chairman of each county commission before the effective date of such amendment. The state highway department shall provide all supplies and clerical help necessary for the committee to execute its responsibilities. County commissions are hereby required to submit all plans for the use of such proceeds to the highway director or his designee for approval. The highway director or his designee shall review all plans and approve them or disapprove them, based on the criteria and standards developed by the committee.

The funds distributed to the counties under this subsection shall not be commingled with other funds of the county except the counties' portion of the auto license tax distributed under section 40-12-270(a)(1), as amended and shall be kept and disbursed by such county from a special fund only for the purposes hereinabove provided.

The provisions of this section notwithstanding, any county may at any time deposit all or any portion of such proceeds into the county's special RRR fund as provided for in section 40-17-224, and may use the proceeds so deposited for any purpose authorized under said section.

b. \$408,981.00 shall be allocated to the highway department monthly and deposited in the state treasury to the credit of the public road and

bridge fund. Such funds are hereby appropriated to the highway department to be used to match federal aid discretionary funds that may from time to time become available to the highway department. In the event that in any fiscal year other highway department funds are insufficient to match the department's regular federal aid apportionment, then at the highway director's recommendation and approval by the governor state highway commission funds appropriated under this subsection may be used to match said federal aid apportionment.

c. 2.76 percent of the balance of the proceeds shall be allocated among the incorporated municipalities of the state as follows:

1. A portion of the municipalities' share of the balance of the proceeds that is equal to 45.45 percent of the municipalities' share of the balance of the proceeds shall be allocated equally among the 67 counties of the state.

2. The entire residue of the municipalities' share of the balance of the proceeds being an amount equal to 54.55 percent of the municipalities' share of the balance of the proceeds shall be allocated among the 67 counties of the state on the basis of the ratio of the population of each such county to the total population of the state according to the then next preceding federal decennial census, or any special federal census heretofore held in any county subsequent to the effective date of the 1980 federal decennial census.

3. The amount so allocated or apportioned to each county shall be distributed among the municipalities in the county with respect to which the allocation or apportionment is made, each such distribution among the said municipalities to be on the basis of the ratio of the population of each such municipalities to the total population of all municipalities **in the applicable county according to the then next preceding federal decennial census.**

4. The population of any municipality incorporated subsequent to the taking of the then next preceding federal decennial census shall be deemed to be the population shown by the census for that municipality taken pursuant to the requirements of section 11-41-4. Any municipality incorporated after September, 1983, shall not participate in the distribution provided for in this section until the fiscal year next succeeding the fiscal year during which it is incorporated, the first distribution to such municipality to be made in respect of receipts of the inspection fee by the state during October of the fiscal year next succeeding the said incorporation.

5. Use of the inspection fee by a municipality shall be for transportation planning, the construction, reconstruction, maintenance, widening, alteration and improvement of public roads, bridges, streets and other public ways, including payment of the principal of and interest on any securities at any time issued by the municipality pursuant to law for the payment of which any part of the net tax proceeds were or may be lawfully pledged; provided, that no part of the balance of the proceeds referred to in this section shall be expended contrary to the provisions of the Constitution; and provided further, that funds distributed to municipalities under the provisions of this division shall not be commingled with other funds of the municipality, except the municipalities' portion of the highway gasoline tax, and shall be kept and disbursed

by such municipality from a special fund only for the purposes hereinabove provided.

d. The balance of the proceeds after a, b and c above have been distributed monthly accrue to the credit of and be deposited in the public road and bridge fund.

(b) In the event of the collection hereunder from any person of an amount in excess of the amount of all permit fees, inspection fees or penalties properly and lawfully required to be paid by such person, such person may apply to the commissioner of agriculture and industries for a refund of the amount of such overpayment. If such application for refund is approved in whole or in part by the commissioner, the commissioner shall submit to the state comptroller a statement, approved by the state attorney general, setting forth the amount determined to have been overpaid and the date of the overpayment. The state comptroller shall then draw his warrant in favor of the person making such overpayment upon the state treasurer for the amount specified in the said statement, and such amount shall be paid out of current months collections before any distribution is made under subsection (a) of this section.

(c) The application for refund provided for in this section must be filed with the commissioner of agriculture and industries within 12 calendar months from the date upon which the overpayment was made, and no amount shall be refunded unless the application therefor is filed within the time prescribed herein.

(d) The department of agriculture and industries shall have authority to make and issue rules and regulations relating to the procedure to be followed in filing an application for a refund and for payment of any refund made under this section."

Section 11. Section 9-6A-8, Code of Alabama 1975, is hereby amended to read as follows:

"§9-6A-8.

The aggregate monetary obligation that the authority may incur in connection with its contracts shall not at any time exceed the sum of:

(1) Any uncommitted or unencumbered moneys then appropriated to the authority by the legislature, and

(2) Any uncommitted or unencumbered proceeds of bonds available or to become available from bonds authorized by the legislature.

No contract involving the expenditure of money, whether now or later, shall be approved or ratified by the board of directors unless the resolution approving or ratifying the same shall include a determination that there will be compliance with the preceding limitation when the amount of the obligation of the contract in question has been added to the already existing obligations of the authority. This determination by the board of directors shall be conclusive of the question of compliance.

All contracts of the authority for the construction, reconstruction, relocation, maintenance and operation of highways, roads and bridges, and work incidental or related thereto, and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the highway department, and shall

be subject to approval by the governor state highway commission and by the highway department. All work provided for in any such contract shall be supervised by the highway department. All persons engaging in the supervision or performance of any work involving highways, roads and bridges that may be done by the authority without the award of a contract therefor shall be employees of the highway department.

All contracts of the authority for the construction, reconstruction or relocation of any facilities or structures and all purchases of equipment by the authority shall be made on the basis of competitive bidding in the manner and according to the procedures provided in sections 39-2-1 through 39-2-13 and 41-16-20 through 41-16-32, and any other applicable statutes."

Section 12. Section 29-2-4, Code of Alabama 1975, is hereby amended to read as follows:

"§29-2-4.

The powers and duties of the joint highway committee shall be the following:

(1) It shall review a long-range (20-year) highway plan for proposed highway construction and modification of all highways falling under jurisdiction of the highway department, which long-range plan shall commence with the fiscal year of the state beginning October 1, 1976. The said plan shall be updated annually; and after expiration of the first 20-year period, it shall recommend subsequent long-range plans for each subsequent period of 20 years. The said plans in appropriate form shall be made available to all government agencies and all members of the public and news media.

(2) It shall review **priorities of all highway construction and modification projects falling under the jurisdiction of the highway department** and review proposals for highway construction and modification for each fiscal year of the state.

(3) It shall review the budget for highway construction, modification, maintenance, operation and administration of the highway department on an annual basis, which budget shall be reviewed not later than the fifteenth legislative day of each annual session of the legislature.

(4) It shall issue a report to the ~~governor~~, lieutenant governor, house of representatives, senate and public within the first 10 legislative days of each annual regular legislative session, comparing actual performance of the highway department in terms of highway construction, modification, maintenance and costs of the same, to the original plan for the immediate preceding fiscal year.

(5) It shall recommend to the governor and the legislature necessary funding for highway department budgets to the extent necessary beyond funds already provided by law.

(6) It may retain the services of outside consultants, if necessary, and consult with other groups and individuals, including public interest groups, interested individuals and appropriate departments of the University of Alabama, Auburn University and other state institutions.

(7) It may hold public hearings, shall make diligent inquiry and a full examination of the long-range future highway needs of the state and shall file all reports of its findings and recommendations with both

houses of the legislature and with the governor and the state highway commission.

(8) It shall have the power to call witnesses and do all things necessary or convenient in connection with and all things incidental to performance of the foregoing its duties and powers as provided by law.

(9) In performing its functions, the joint highway committee shall take into consideration, in determining plans for highway construction, modification and maintenance, among other factors:

- a. Commuter benefits in the form of direct savings to working men and women traveling to and from their jobs in the state;
- b. Industrial and agricultural growth;
- c. Highway safety;
- d. Ecological impacts of highway projects;
- e. Recreation and tourism; and
- f. Traffic density."

Section 13. Sections 32-5A-171, 32-5A-172, 32-5A-173 and 32-5A-174, Code of Alabama 1975, are hereby amended to read as follows:

"§32-5A-171.

Except when a special hazard exists that requires lower speed for compliance with section 32-5A-170, the limits hereinafter specified or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits.

(1) No person shall operate a vehicle in excess of 30 miles per hour in any urban district.

(2) No person shall operate a motor vehicle on the highways in this state, other than interstate highways, at a speed in excess of 55 miles per hour at any time unless a different maximum rate of speed is authorized by the ~~governor~~ state highway commission under authority granted in subdivision (5).

(3) No person shall operate a motor vehicle, on an interstate highway within the state of Alabama, at a speed in excess of 55 miles per hour in urban areas of 50,000 population or more or in excess of 65 miles per hour outside such urban areas unless a different maximum rate of speed is permitted or allowed by the federal highway administration, or unless a different maximum rate of speed is authorized by the ~~governor~~ state highway commission under authority granted in subdivision (5) hereof.

(4) Notwithstanding any provisions of this section to the contrary, no person shall operate a passenger vehicle, motor truck or passenger bus which carries or transports explosives or flammable liquids, as defined in section 32-1-1.1, or hazardous wastes, as defined in section 22-30-3(5), in this state unless the vehicle, truck or bus prominently displays a current decal, plate or placard which is required by the rules or regulations of the DOT or the PSC which indicates or warns that the vehicle, truck or bus is carrying or transporting such substances. No person shall operate such vehicle, truck or bus at a rate of speed greater than 55 miles per hour at any time unless a different maximum rate of

speed is authorized ~~by the governor~~ under authority granted in subdivision (5).

(5) The ~~governor~~ state highway commission is hereby specifically authorized to prescribe the maximum rate of speed whenever a different rate of speed is required by federal law in order for Alabama to receive federal funds for highway maintenance and construction.

(6) The maximum speed limits set forth in this section may be altered as authorized in sections 32-5A-172 and 32-5A-173."

"§32-5A-172.

Whenever the director of public safety and the highway director, with the approval of the ~~governor~~ state highway commission, shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the state highway system, said directors may determine and declare a reasonable and safe maximum limit thereat, which shall be effective when appropriate signs giving notice thereof are erected. Such a maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs."

"§32-5A-173.

(a) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under this article is ~~greater or less than is reasonable and safe~~ under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:

- (1) Decreases the limit at intersections;
- (2) Increases the limit within an urban district but not to more than the maximum rate of speed that may be prescribed by the ~~governor~~ state highway commission under subdivision (4) of section 32-5A-171;
- (3) Decreases the limit on any street or highway under the jurisdiction and control of any county commission; or
- (4) Increases the limit on any street, or highway under the jurisdiction and control of any county commission but not to more than the maximum rate of speed that is prescribed under section 32-5A-171.

(b) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this chapter for an urban district.

(c) Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

(d) Any alteration of maximum limits on state highways or extensions thereof in a municipality by local authorities shall not be effective until such alteration has been approved by the highway department.

(e) Not more than six such alterations as hereinabove authorized shall be made per mile along a street or highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than 10 miles per hour."

"§32-5A-174.

(a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(b) Whenever the director of public safety and the highway director, with the approval of the ~~governor~~ state highway commission, or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway consistently impede the normal and reasonable movement of traffic, the said directors or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, and that limit shall be effective when posted upon appropriate fixed or variable signs."

Section 14. Section 32-9-1, Code of Alabama 1975, is hereby amended to read as follows:

"§32-9-1.

Trailers, when used in a truck tractor-semitrailer-trailer combination may be operated on the national system of interstate and defense highways and other highways upon designation by the highway director and final approval by the ~~governor~~ state highway commission. The highway director shall, as a minimum, designate those highways necessary to cause the state of Alabama to be in compliance with the Federal Surface Transportation Assistance Act of 1982.

Except as provided above, no person shall operate any trailer, as defined in this title, on any highway unless such trailer is operated for the purpose of constructing highways or other facilities of the state or a political subdivision thereof. The highway department is authorized to regulate the movement of such trailers from one job to another by special permits issued in the same manner as permits are issued under section 32-9-29. No trailer or semitrailer of any kind shall be used for the hauling of passengers for hire except as provided by article 2 of this chapter.

The provisions of this article relating to trailers shall not apply to the movement over the highways of trailers manufactured, reconditioned or repaired in this state when reasonably necessary for the delivery of such trailers to the owners or purchasers thereof outside the state; provided, that such movement shall be subject to special permit to be issued by the director of the highway department. Such permits may be issued and may be renewed upon such terms and conditions, in the interest of public safety and the preservation of the highways, as the director of the highway department may in his discretion require, and he may designate the route over which such trailers may be moved and the hours of movement thereof."

Section 15. Section 33-16-9, Code of Alabama 1975, is hereby amended to read as follows:

“§33-16-9.

The aggregate monetary obligation that the authority may incur in connection with its contracts (other than contracts of the type described in the next succeeding paragraph) shall not at any time exceed the sum of:

- (1) Any uncommitted or unencumbered moneys then appropriated to the authority by the legislature; and
- (2) Any uncommitted or unencumbered proceeds of bonds available or to become available from bonds then authorized by the authority and approved by the governor pursuant to section 33-16-12.

No contract which is subject to the foregoing restriction and which involves the expenditure of money, whether now or later, shall be approved or ratified by the board of directors unless the resolution approving or ratifying the same shall include a determination that there will be compliance with the preceding limitation when the amount of the obligation of the contract in question has been added to the already existing obligations of the authority. This determination by the board of directors shall be conclusive of the question of compliance.

The restriction set forth in the preceding paragraph shall not apply to any contract between the authority and the United States, or an agency thereof, pursuant to which the authority agrees to satisfy the requirements of local contribution and participation with respect to a project related to the development of the waterway. Prior to the execution of any such contract between the authority and the United States, or an agency thereof, the board of directors of the authority shall adopt a **resolution approving such contract, which resolution shall include a determination that the moneys expected to be available to the authority for the payment of its monetary obligations (if any) under such contract will be sufficient to pay such monetary obligations.**

Except as otherwise provided in the last paragraph of this section, all contracts of the authority for the construction, reconstruction, relocation, maintenance and operation of highways, roads and bridges, and work incidental or related thereto, and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the highway department and shall be subject to approval by the ~~governor and by the highway department~~ state highway commission. All work provided for in any such contract shall be supervised by the highway department. All persons engaging in the supervision or performance of any work involving highways, roads and bridges that may be done by the authority without the award of a contract therefor shall be employees of the highway department.

Except as otherwise provided in the last paragraph of this section, all contracts of the authority for the construction, reconstruction or relocation of any facilities or structures and all purchases of equipment by the authority shall be made on the basis of competitive bidding in the manner and according to the procedures provided in sections 39-2-1 through 39-2-13 and 41-16-20 through 41-16-32, and any other applicable statutes.

In connection with the construction, reconstruction or relocation of highways, roads and bridges, and the acquisition of property necessary therefor, the authority may enter into contracts with the United States, or

an agency thereof, pursuant to which the work related to any such construction, reconstruction or relocation shall be performed, and any property necessary therefor shall be acquired, by the United States, or an agency thereof, or by one or more contractors selected by the United States, or an agency thereof. Any such contract between the authority and the United States, or an agency thereof, shall not be subject to the requirements and restrictions (including, without limitation, the requirements with respect to competitive bidding) set forth in the two immediately preceding paragraphs of this section."

Section 16. Section 33-16-10, Code of Alabama 1975, is hereby amended to read as follows:

"§33-16-10.

Any duties and obligations of the authority which shall be delegated by the board of directors of the authority to the highway department, the state docks department or any other public corporation, agency or department of the state shall be undertaken and discharged by the public corporation, agency or department to which such duties and obligations shall have been delegated; provided, that such a delegation shall not be effective and shall not release the authority from the duties and obligations proposed to be delegated nor impose any duties or obligations on the public corporations, agencies and departments to which a delegation shall have been made unless ~~the governor and the director, head or governing body of the public corporation, agency or department to which a delegation shall have been made~~ shall approve such delegation in all respects; and, provided further, that the public corporation, agency or department shall at the time of such delegation be empowered by laws other than this chapter to perform duties and discharge obligations of the kind delegated and that this section shall not be construed to change the lawfully established nature and functions of public corporations, agencies and departments of the state."

Section 17. Sections 33-17-9 and 33-17-10, Code of Alabama 1975, are hereby amended to read as follows:

"§33-17-9.

The aggregate monetary obligation that the authority may incur in connection with its contracts shall not at any time exceed the sum of

- (1) Any uncommitted or unencumbered moneys then appropriated to the authority by the legislature, and
- (2) Any uncommitted or unencumbered proceeds of bonds available or to become available from bonds then authorized by the authority and approved by the governor pursuant to section 33-17-12.

No contract involving the expenditure of money, whether now or later, shall be approved or ratified by the board of directors unless the resolution approving or ratifying the same shall include a determination that there will be compliance with the preceding limitation when the amount of the obligation of the contract in question has been added to the already existing obligations of the authority. This determination by the board of directors shall be conclusive of the question of compliance.

All contracts of the authority for the construction, reconstruction, relocation, maintenance and operation of highways, roads and bridges, and work incidental or related thereto, and the acquisition of property necessary

therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the highway department, and shall be subject to approval by the governor state highway commission and by the highway department. All work provided for in any such contract shall be supervised by the highway department. All persons engaging in the supervision or performance of any work involving highways, roads and bridges that may be done by the authority without the award of a contract therefor shall be employees of the highway department.

All contracts of the authority for the construction, reconstruction or relocation of any facilities or structures and all purchases of equipment by the authority shall be made on the basis of competitive bidding in the manner and according to the procedures provided in sections 39-2-1 through 39-2-13 and 41-16-20 through 41-16-32, and any other applicable statutes."

"§33-17-10.

Any duties and obligations of the authority which shall be delegated by the board of directors of the authority to the highway department, the state docks department or any other public corporation, agency or department of the state shall be undertaken and discharged by the public corporation, agency or department to which such duties and obligations shall have been delegated; provided, that such a delegation shall not be effective and shall not release the authority from the duties and obligations proposed to be delegated nor impose any duties or obligations on the public corporations, agencies and departments to which a delegation shall have been made unless ~~the governor and the director, head or governing body of the public corporation, agency or department to which a delegation shall have been made~~ shall approve such delegation in all respects; and, provided further, that the public corporation, agency or department shall at the time of such delegation be empowered by laws other than this chapter to perform duties and discharge obligations of the kind delegated and that this section shall not be construed to change the lawfully established nature and functions of public corporations, agencies and departments of the state."

Section 18. Section 40-12-270, Code of Alabama 1975, is hereby amended to read as follows:

"§40-12-270.

(a) The moneys collected each month by the judge of probate from motor vehicle license taxes and registration fees, after deducting therefrom the amounts referred to in subdivisions (1) and (2) of subsection (a) of section 40-12-269, the moneys remaining after making the said deductions being referred to in this section as "the net proceeds," shall be disbursed by the judge of probate as follows:

(1) That portion of the net proceeds that consists of additional amounts paid under the schedule of additional amounts set forth in subsection (b) of section 40-12-248 shall be remitted by the judge of probate to the state treasurer who shall distribute said amounts as follows:

a. 64.75 percent of said amounts shall be distributed by the state treasurer among the 67 counties as follows:

b. 35.25 percent of said amounts shall be apportioned and distributed by the state treasurer among the 67 counties as follows:

1. A portion of the counties' share of the net tax proceeds that is equal

to 42.16 percent of the total net tax proceeds distributed to counties under paragraph (a)(1)b of this section, shall be allocated equally among the 67 counties of the state.

2. The entire residue of the counties' share of the net tax proceeds, being an amount equal to 57.84 percent of the total net tax proceeds distributed to counties under paragraph (a)(1)b of this section, shall be allocated among the 67 counties of the state on the basis of the ratio of the population of each county to the total population of the state according to the then next preceding federal decennial census, or any special federal census heretofore held in any county subsequent to the effective date of the 1980 federal decennial census.

(2) The entire residue of the net proceeds remaining after compliance with subdivision (1) of this subsection shall be distributed as follows:

a. Seventy-two percent of the said residue, referred to in this subdivision, shall be distributed to the state of Alabama and shall be remitted by the judge of probate to the state treasurer;

b. Twenty-one percent of the said residue, referred to in this subdivision, shall be remitted by the judge of probate to the municipality in which the owner of the motor vehicle resides or with respect to which it is registered as required by law, or, if the said owner does not reside in, or the motor vehicle is not required by law to be registered with respect to, an incorporated municipality, then to the county in which the license tax or registration fee with respect to the said motor vehicle is paid; and

c. Seven percent of the said residue, referred to in this subdivision, shall be remitted by the judge of probate to the state treasurer and shall be apportioned by the state treasurer among the several counties of the state in an amount for each county that bears the same relation to, and constitutes the same proportion of, the total of the said seven percent that the total number of motor vehicles registered in such county bears to the total number of motor vehicles registered in the entire state. The amounts so apportioned to each county shall be distributed by the state treasurer as follows:

1. Ten percent of the amount so apportioned to each county shall be distributed among the municipalities in the county with respect to which the apportionment is made, each such distribution to be on the basis of the ratio of the population of each such municipality to the total population of all municipalities in the applicable county according to the then next preceding federal decennial census; and

2. The remaining portion of the amount so apportioned to each county shall be distributed to the county to which such apportionment is made.

(b) Payment of the amounts herein provided to be distributed by the state treasurer to counties and municipalities shall be made monthly by state warrant and shall be mailed, in the case of such distribution to a county, to the county treasurer (or other officer or entity having the functions of a county treasurer) of that county and, in the case of a distribution to a municipality, to the treasurer of that municipality.

(c) Any municipality incorporated after September 30, 1967, shall not participate in the distribution provided for in this section until the fiscal year next succeeding the fiscal year during which it is incorporated. The

population of any municipality incorporated subsequent to the taking of the then next preceding federal decennial census shall, until the effective date of the then next succeeding federal decennial census, be deemed to be the population shown by the census for that municipality taken pursuant to the requirements of section 11-41-4. For the purposes of this section, each federal decennial census shall be deemed to be effective on October 1 next following the publication of the results of such decennial census.

(d) The amounts remitted to the state treasurer pursuant to subdivision (2) of subsection (a) of section 40-12-269 and all moneys provided in this section to be distributed to the state of Alabama shall be covered into the treasury to the credit of the public road and bridge fund and disbursed as follows:

(1) The amounts appropriated by the legislature out of the motor vehicle license taxes and registration fees for the payment of expenses of the state department of revenue in the collection of the said taxes and fees, including salaries, costs of tags and other costs of collection, shall be paid out of the portion of said taxes and fees that is remitted to the state treasurer pursuant to subdivision (2) of subsection (a) of section 40-12-269;

(2) So much of the net proceeds distributed to the state of Alabama pursuant to the provisions of this section as shall be necessary for such purpose shall be used for the following purposes in the following order:

a. Payment at their respective maturities of the principal of and interest on bonds, other than refunding bonds, issued by Alabama highway authority under the provisions of Acts 1967, Ex. Sess., No. 225, p. 302;

b. Payment at their respective maturities of the principal of and interest on bonds, other than refunding bonds, issued by the said Alabama highway authority under the provisions of Acts 1969, No. 781, p. 1398;

c. Payment at their respective maturities of the principal of and interest on bonds, other than refunding bonds, issued by the said Alabama highway authority under the provisions of Acts 1971, No. 1416, p. 2414; and

d. Payment at their respective maturities of the principal of and interest on any bonds or other obligations, including refunding obligations, issued after December 1, 1977, by a public corporation existing at the time of issuance under the laws of Alabama pursuant to then existing statutory or constitutional authorization, or by the state of Alabama pursuant to authorization, effective at the time of issuance, under the Constitution and laws of the said state, and for which the said net proceeds referred to in this subdivision (2) shall have been appropriated and pledged in a then effective statute or constitutional provision (including any enabling act under a constitutional provision), all in the manner and to the extent and subject to such priorities in rank as may be provided in such statute or constitutional provision or in an authorizing resolution thereunder; and

(3) The balance of the moneys referred to in subdivisions (1) and (2) of this subsection remaining after compliance with the said subdivisions shall be used by the state highway department for construction and maintenance of public roads and bridges in the state and for any other purpose for which moneys in the public road and bridge fund may be lawfully used.

(e)(1) All moneys received by a municipality or county under this section, except that portion of the said moneys that constitute collections from additional amounts paid under the schedule of additional amounts set forth in subsection (b) of section 40-12-248 and distributed under subdivision (a)(1) of this section, shall be used by such municipality or county exclusively for the construction, improvement and maintenance of public highways or public streets, including administrative expenses in connection therewith and retirement of securities evidencing obligations incurred for payment of costs of such construction, improvement and maintenance.

(2) All moneys received by a county under this section which constitute collections from additional amounts paid under the schedule of additional amounts set forth in subsection (b) of section 40-12-248 and distributed under subdivision (a)(1) of this section shall be used by such county for the construction, including draining, grading, basing, paving, signing and erosion items, of certain high density unpaved roads as herein provided and for the construction or reconstruction of bridges on such high density roads. The use may also be for the reconstruction, resurfacing, restoration and rehabilitation of the paved county roads and bridges or bridge replacement on the county road system. The use may also be for the construction, including draining, grading, basing and paving of certain unpaved roads, and reconstruction of certain paved roads accessing certain public and private recreational facilities and areas.

There is hereby created a committee to be referred to as the secondary road committee comprised of the chief of the bureau of secondary roads of the state highway department, two county engineers appointed by the state highway director and two county commission members, appointed by the governor one county commission member appointed by the lieutenant governor and one county commission member appointed by the speaker of the house of representatives. The committee members shall serve at the pleasure of the appointing authority. The committee shall elect one of its members to serve as chairman. A quorum of the committee shall consist of no less than three members. Committee members shall serve without compensation.

The secondary road committee shall develop and publish criteria for the designation of high density roads and bridges and for the designation of eligible recreational access roads. The committee may in its discretion provide different criteria for counties according to population, topography and road mileage. The committee shall also develop and publish minimum design standards, including allowable cost items, for the construction, reconstruction, surfacing, resurfacing, restoration and rehabilitation of such high density roads and bridges and recreational access roads. Criteria and standards developed by the committee shall be published by distributing printed copies thereof to the chairman of each county commission in Alabama no later than 90 days after June 1, 1984. The committee may from time to time amend the criteria and standards developed provided that at least 60 days' notice is provided in writing to the chairman of each county commission before the effective date of such amendment. The state highway department shall provide all supplies and clerical help necessary for the committee to execute its responsibilities.

County commissions are hereby required to submit all plans for the use of such proceeds to the highway director or his designee for approval. The highway director or his designee shall review all plans and approve them or disapprove them, based on the criteria and standards developed by the committee.

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The funds distributed to the counties under this subsection shall not be commingled with other funds of the county except the counties' portion of the inspection fee distributed under section 8-17-91, and shall be kept and disbursed by such county from a special fund only for the purposes hereinabove provided.

The provisions of this section notwithstanding, any county may at any time deposit all or any portion of such proceeds into the county's special RRR fund as provided for in section 40-17-224 and may use the proceeds so deposited for any purpose authorized under said section."

Section 19. Sections 40-17-78 and 40-17-224, Code of Alabama 1975, are hereby amended to read as follows:

"§40-17-78.

Wherever in this division any portion of the net tax proceeds is provided to be applied or used for highway purposes, the same shall be used as follows:

(1) Where the use is by the highway department, such use shall, with the approval of the ~~governor~~ state highway commission, be for the construction of public roads and bridges in the state, the maintenance of public roads and bridges on the state highway system, the equipment and preparation of convicts for use upon the public roads and bridges in the state, the maintenance of such convicts while at work upon such roads and bridges, the compensation to the state for the said use of such convicts and for such other public road and bridge purposes in the state as may be authorized by the highway department with the approval of the ~~governor~~ state highway commission;

(2) Where the use is by a county, such use shall be for transportation **planning, the construction, reconstruction, maintenance, widening, alteration and improvement** of public roads and bridges as is now or may hereafter be provided by law, including payment of the principal of and interest on any securities at any time issued by the county pursuant to law for payment of which all or any of the net tax proceeds were or may be lawfully pledged, and such use may also be for the purpose and subject to the provisions contained in section 40-17-75;

(3) Where the use is by a municipality, such use shall be for transportation planning, the construction, reconstruction, maintenance, widening, alteration and improvement of public roads, bridges, streets and other public ways, including payment of the principal of and interest on any securities at any time issued by the municipality pursuant to law for the payment of which any part of the net tax proceeds referred to in this section shall be expended contrary to the provisions of the Constitution; and provided further, that funds distributed to municipalities under the provisions of this division shall not be commingled with other funds of the municipality and shall be kept and disbursed by such municipality from a special fund only for the purposes hereinabove provided."

"§40-17-224.

(a) Within the meaning of this section the following words and phrases shall have the following meaning:

(1) **RESURFACING, RESTORATION AND REHABILITATION (RRR).** Work undertaken primarily to preserve an existing facility.

Restoration and rehabilitation is considered to be work required to return the existing pavement or bridge deck (including shoulders) to a condition of adequate structural support or to a condition adequate for placement of an additional state of construction (bridge deck protective system or resurfacing). Resurfacing consists of the placement of additional surface material over the existing, restored or rehabilitated roadway or bridge deck to improve serviceability or to provide additional strength. RRR work may include changes to geometric features, such as minor widening, flattening curves, or improving sight distances.

(2) **BRIDGE REPLACEMENT.** Bridge replacement includes the replacement of existing bridge structures, and if necessary, the realignment of the adjacent approaches.

(b) It is the intent of the legislature that the proceeds of the tax collected on motor fuel, gasoline and lubricating oil under the provisions of this article shall be used in the following manner:

(1) Where the use is by the highway department, such use shall, with the approval of the ~~governor~~ state highway commission, be for the construction and maintenance of public roads and bridges on the state highway system.

(2) Where the use is by a county, such use shall be for the resurfacing, restoration, and rehabilitation of the paved county roads and bridges or bridge replacement on the county road system. Such funds shall not be used for new construction unless 90 percent of the county's paved road system has achieved a grade of 85 percent based on the state of Alabama highway department's annual maintenance report of county roads and bridges. These funds shall not be used for the purchase of equipment. The net tax proceeds distributed to the county shall not be commingled with other funds of the county, including any other gasoline tax revenues, and shall be kept and disbursed by such county from a special fund only for the purposes hereinabove provided.

(3) Where the use is by a municipality, such use shall be for resurfacing, restoration and rehabilitation of roads, bridges, and streets within the municipality. The use may also be for bridge replacement within the municipality. Provided, however, from time to time, that where the use is by a municipality such funds may also be used to construct new roads and streets within such municipality. These funds shall not be commingled with other funds of the municipality including any other gasoline tax revenues and shall be kept and disbursed by such municipality from a special fund only for the purposes hereinabove provided."

Section 20. Section 41-4-16, Code of Alabama 1975, is hereby amended to read as follows:

"§41-4-16.

(a) ~~No bonds or other evidences of indebtedness of any commission or authority created to construct or reconstruct highway bridges, approaches and appurtenances thereto, any housing authority, any state rural electrification authority, any electric membership corporation, any power district or any improvement authority shall be issued or sold until the consent to the issuance and sale thereof shall have been given by the department of finance, to be evidenced by the written approval of the director of finance. Such consent shall be granted only after a public hearing and after a petition~~

requesting such consent has been duly filed by the corporation, authority, district, commission or other body seeking such consent with the department more than five days before such public hearing. Such petition shall specify the plan or program of the body seeking such consent and the uses to which it is proposed to put the proceeds of such issue and such other matters as are necessary to fully advise such department of the nature of the proposed project, and said petition shall include such other information as may be required by the rules of the department. The department of finance shall grant such consent only after it finds that such issue or sale serves some public need and is in the public interest. It shall be unlawful for the body seeking such consent or anyone to use the proceeds of any such issue or sale contrary to the plan and purposes presented to the department in obtaining its consent thereto. The provisions of this section shall not apply to any bonds or other evidence of indebtedness issued by any municipality, or any agencies, bureaus or commissions thereof."

(b) The provisions of this section shall not apply to any commission or authority created to construct or reconstruct highway bridges, approaches and appurtenances thereto.

Section 21.

(a) Following the effective date of this act the members of the state highway commission shall be appointed and shall serve as provided in section 3 herein, except as provided below:

1. Within five days following the effective date of this act the members of the commission shall be appointed as provided in sections 3(a)1 and 3(a)2 for the following term:

(a) The member of the commission appointed from congressional district 1 shall serve a two year term.

(b) The members of the commission appointed from congressional districts 2, 3, and 4 shall serve a four year term.

(c) The members of the commission appointed from congressional districts 5, 6 and 7 shall serve a six year term.

(d) The members of the commission appointed by the lieutenant governor and the speaker of the house from the state at large shall serve a one year term.

2. The members of the commission appointed under subsection 1 above shall begin to serve on the commission immediately upon nomination.

3. Within the first five legislative days of the 1989 session of the legislature the persons appointed under subsection 1 above shall be submitted to the senate for confirmation.

4. Members of the commission appointed under this section shall serve, unless rejected by the senate, or until their successors are duly appointed and confirmed as provided in section herein.

Section 22.

It shall be the duty of the state highway commission and the commission shall have the authority to adopt rules and regulations to carry out the provisions of this act.

Section 23.

The provisions and terms of this act shall in no way affect, change or repeal any contractual obligation entered into on behalf of the state highway department or to which the state highway department is a party prior to the passage and approval of this act.

Section 24.

All laws or parts of laws, special, local, or general which conflict or are inconsistent with this act are hereby repealed, insofar as such laws or parts of laws conflict with or are inconsistent with this act.

Section 25. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 26. The provisions of this act shall be effective at 12:01 a.m. on the 1st day of October, 1990.

Senator Foshee offered the following substitute for the Dial substitute for the Bill, S. B. 484, to-wit:

SUBSTITUTE FOR SUBSTITUTE FOR S. B. 484**A BILL
TO BE ENTITLED
AN ACT**

To amend Title 23, Code of Alabama 1975, so as to provide for the creation and establishment of a State Highway Commission. To define and provide for the election, appointment, qualifications, duties, compensation and terms of the members of the State Highway Commission. To further define and provide for the office of State Highway Director, to establish for the appointment, qualifications, duties, term and compensation of the State Highway Director. To create and establish the office of Deputy Highway Director. To define and provide the appointment, qualifications, duties and compensation of the Deputy Highway Director. To provide that the State Highway Commission shall be vested with the control and supervision of the State Highway Department. To amend Sections 23-1-20, 23-1-21, 23-1-22, 23-1-32, 23-1-35, 23-1-37, 23-1-40, 23-1-41, 23-1-42, 23-1-54, 23-1-55, 23-1-58, 23-1-61, 23-1-156, 23-1-157, 23-1-158, 23-1-170, 23-1-176, 23-1-178, 23-1-300, 23-1-302, 23-1-303, 23-1-305, 23-1-310, 23-1-313, 23-1-317, 23-2-143, 23-2-144, 23-2-161, 23-6-2, 23-6-3, 23-6-4, 23-6-6, 23-6-8, 23-6-9, Code of Alabama 1975; to provide for the duties and responsibilities of the state highway commission. To amend sections 23-1-150, 23-1-151, 23-1-152, 23-1-154, Code of Alabama 1975, to provide for the makeup of the Alabama highway authority. To amend sections 23-1-171, 23-1-172, 23-1-174, 23-1-177, Code of Alabama 1975, to provide for the makeup and duties of the Alabama Highway Finance Authority. To amend Sections 23-1-300, 23-1-302, 23-1-303, 23-1-305, Code of Alabama 1975, to provide for the makeup and duties of the Federal Aid Highway Finance Authority. To further amend Sections 9-6A-8, 32-5A-171, 32-5A-172, 32-5A-173, 32-5A-174, 32-9-1, 33-16-9, 33-16-10, 33-17-9, 33-17-10, 40-17-78, 40-17-224, 41-4-16, Code of Alabama 1975. To provide further for the duties and responsibilities of the members of the state highway commission. To further amend Sections 8-17-91 and 40-12-270 Code of Alabama 1975, so as to provide for the appointment of the members of the secondary road committee and further for

the duties of the state highway commission. To further amend Sections 29-2-2, 29-2-3 and 29-2-4 Code of Alabama 1975, so as to further provide for the membership, election and duties of the Permanent Joint Legislative Highway Committee. To further amend Section 36-7-21 Code of Alabama 1975, to provide for payment and approval for out of state travel for the State Highway Commission and employees of the State Highway Department. To further amend Section 36-15-21 Code of Alabama 1975, to provide for the employment of attorneys to represent the State Highway Department.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA

Section 1. The following words and phrases, wherever they appear in this act, unless the context clearly indicates otherwise, shall have the following meanings:

(A) COMMISSION—Alabama State Highway Commission as established in this act.

(B) DIRECTOR—the director of the Alabama State Highway Department.

Section 2. It is the intent and purpose of this act to establish a State Highway Commission to administer all duties and obligations set out by the Constitution of the State of Alabama 1901 as amended and the Code of Alabama 1975, to the State Highway Department. It is the intent of this act that all duties heretofore granted to the office of the governor by the legislature as related to the State Highway Department be vested in the State Highway Commission.

Section 3. State Highway Commission. Composition, terms of office, election, appointment of members, filling of vacancies, officers, meetings, compensation of members.

(A) There is hereby created a State Highway Commission. The State Highway Commission shall be composed of one member elected from each congressional district of the State and two members appointed by the lieutenant governor and two members appointed by the speaker of the House of Representatives. The members shall be elected or appointed as follows:

1. The House and Senate members of the Permanent Joint Legislative Highway Committee shall elect one member of the State Highway Commission from the congressional district represented by such House and Senate member. The individual member elected to the State Highway Commission shall be a permanent resident from the congressional district from which he is elected.

2. The Lieutenant Governor shall make one appointment to the commission from a list of three names submitted to the Lieutenant Governor by the Alabama Association of County Commissioners. The Speaker of the House of Representatives shall make one appointment to the commission from a list of three names submitted to the speaker by the Alabama League of Municipalities. If no list is submitted as provided in this subsection, the Speaker and the Lieutenant Governor shall each appoint one member of the State Highway Commission from the state at large. In addition to the above appointments, the Lieutenant Governor and the Speaker shall each make one appointment to the commission from the state at large.

3. The election and appointment of the members of the State

Highway Commission shall be made within the first ten (10) calendar days of the first Regular Session of the Legislature following the general election of the members of the Legislature. The names of the members shall be submitted to the Senate for confirmation no later than the tenth (10) legislative day of the first Regular Session of the legislature.

4. The names of the members of the commission shall be submitted to the Senate for reconfirmation during the first ten legislative days of the regular session of the legislature during the third year of that members' term of office. Unless the member is rejected by the Senate, such member shall continue to serve the remainder of his six year term as provided by subsection five (5) of this section.

5. The terms of the members of the State Highway Commission shall be six (6) years, except as provided in Section 22 of this act. The members shall serve until his successor is duly elected or appointed as provided in this Section. No member of the commission shall serve three (3) consecutive six (6) year terms.

6. No person who serves as a member of the commission shall be eligible, except as provided in this subsection, to qualify as a candidate in any state or federal elective office nor to hold any such office, except as provided in this subsection, during the time he serves as a member of the commission and for a period of twelve (12) months after the date he ceases to serve as a member of the commission. However, nothing contained in this subsection shall prevent a member of the commission from being appointed to any other office nor disqualify him from running in any election to succeed himself in any office to which he was appointed nor to hold such office in the event he is elected thereto and otherwise qualified therefor; provided, however, that the member shall resign as a member of the commission before accepting any such appointive office.

7. Should a vacancy occur in the Commission, the unexpired term of the member shall be filled as originally elected or appointed and confirmed during the regular session of the legislature next following the creation of the vacancy.

(B) The State Highway Commission by a majority vote of the members shall elect a Chairman and Vice Chairman who shall serve at the pleasure of the Commission. The Chairman shall preside over the Regular and Special meetings of the Commission.

1. The Chairman shall have the power to appoint a Secretary who need not be a member of the Commission. The Vice-Chairman shall perform such duties as prescribed by the Commission including but not limited to presiding over the Commission in the absence of the Chairman.

(C) The State Highway Commission shall meet in Regular Session once a month at the State Highway Department Main Office located in Montgomery, Alabama. The Commission shall meet at such other special meeting or meetings as called by the Chairman of the Commission or by a majority of the members of the Commission as may be deemed reasonable and proper to transact business in the best interest of the Department. A majority of the members of the Commission shall constitute a quorum for the transaction

of business. Except as otherwise provided by law, any power of the Commission may be exercised by a majority vote of those members present and voting at any meeting at which there is a quorum.

(D) The members of the Commission shall receive no salary. Members shall receive per diem expenses as provided by law for each day of attendance at meetings of the Commission. In addition, each member shall receive reimbursement of actual expenses incurred while engaged in the furtherance of the business of the Commission. Such per diem and expenses shall be paid from the funds of the Department upon presentation, by the members, of vouchers approved by the Chairman and signed by the Secretary of the Commission.

(E) Each member of the Commission shall execute a bond to the State of Alabama in an amount set by the Permanent Joint Highway Committee and approved by the Chairman of said committee for the faithful performance of his duties.

Section 4. Powers of the Commission

The Commission shall be charged with the general control and supervision of the department. In the exercise of such general control and supervision the Commission shall have such duties, powers and authorities as expressly vested in it by this act, including but not limited to:

(A) Approval of Construction Contracts.

(B) Approval of all long-range plans and programs of the department.

Section 5. Highway Director—appointment, term, vacancy

(A) **The chief executive officer of the Highway Department shall be known as the Highway Director, who shall be appointed by a majority vote of the total members of the Commission. The Director shall serve at the pleasure of the Commission. All powers, authority and duties vested in the Highway Department by law and not reserved by law in the State Highway Commission shall be executed by the Highway Director.**

(B) The Director shall devote full time and attention to his duties. He shall be a resident of the State of Alabama for a period of five (5) years next preceding his appointment as Director. He shall have a minimum of ten (10) years experience in the business of highway construction, engineering, management or related industry. He shall maintain a full-time residency within Montgomery County, Alabama, during his term as Director.

(C) The Director shall be compensated in an amount not more than Ninety Thousand (\$90,000.00) Dollars per annum. He shall serve in the unclassified service of the state and shall be entitled to the privileges and responsibilities of state merit system employees.

(D) Prior to assuming the duties of his office, the Director shall execute to the State of Alabama a bond to be approved by the Commission in an amount fixed by the Commission for the faithful performance of his duties.

(E) In the event of a vacancy in the office of Director, the Deputy Director upon approval of the Commission shall become acting director until such time as the Commission at any regular or called meeting appoints a new director to fill the position of Director.

Section 6. Appointment, Duties and Qualifications of Deputy Director

(A) The Director shall have authority to appoint a Deputy Director of the Department. The appointment shall be subject to the approval of the Commission to serve at the pleasure of the Director. Prior to assuming the duties of the office, the Deputy Director shall execute to the State of Alabama a bond to be approved by the Commission in an amount to be fixed by the Commission for the faithful performance of his duties.

(B) The Deputy Director may exercise to the extent permitted by law, only such power and duties of the Director as have been previously assigned to him by the Director. If a vacancy shall occur in the office of the Director, the Deputy Director shall assume all the power and duties of the Director upon approval of the Commission, to be exercised until such time as a successor to the Director has been appointed as provided by law.

(C) The Deputy Director shall be a resident of the State of Alabama for a period of three (3) years next preceding his appointment.

(D) The salary of the Deputy Director shall be not less than Twenty Thousand (\$20,000.00) Dollars less than the salary set for the State Highway Director. He shall serve in the unclassified service of the state and shall be entitled to all the privileges and responsibilities of state merit system employees.

Section 7. Sections 23-1-20, 23-1-21, 23-1-22, 23-1-32, 23-1-35, 23-1-37, 23-1-40, 23-1-41, 23-1-42, 23-1-54, 23-1-55, 23-1-58, 23-1-61, 23-1-150, 23-1-151, 23-1-152, 23-1-154, 23-1-156, 23-1-157, 23-1-158, 23-1-170, 23-1-171, 23-1-172, 23-1-174, 23-1-176, 23-1-177, 23-1-178, 23-1-300, 23-1-303, 23-1-305, 23-1-310, 23-1-313, 23-1-317, Code of Alabama 1975, to be amended to read as follows:

“§ 23-1-20.

There shall be a state highway department. The administration and control of the department shall be vested in the state highway commission.”

“§ 23-1-21.

The chief executive officer of the highway department shall be known as the highway director, who shall be appointed by the governor state highway commission and shall hold office at the pleasure of the governor state highway commission. All the powers, authority and duties vested in the highway department shall be exercised by the highway director.

Before entering upon the duties of his office, the highway director shall execute to the state of Alabama a bond, to be approved by the governor state highway commission, in an amount to be fixed by the governor state highway commission, for the faithful performance of his duties.”

“§ 23-1-22.

(a) There is hereby created within the state highway department the position of chief engineer, which shall be filled by appointment by the highway director, with the approval of the governor state highway commission. ~~Such appointment shall be also be subject to the approval by the state board of registration for engineers and land surveyors.~~ The salary of the chief engineer shall be as determined pursuant to chapter 6 of Title 36 of this Code, and he shall be allowed traveling expenses when traveling on business of the state pursuant to article 2 of chapter 7 of Title 36, all to

be paid from funds of the state highway department as salaries and expenses of other state highway department employees are paid. The chief engineer shall give bond for the faithful performance of his duties in an amount to be approved by the governor state highway commission. He shall serve in the unclassified service and shall be entitled to all privileges of a merit system employee.

(b) The chief engineer shall serve under the direction of the highway director and otherwise be entitled to all the privileges and responsibilities as other merit system employees, ~~and his service and removal shall be subject to the state merit system regulations.~~

“§ 23-1-32.

The highway department shall be provided with suitable offices at the state capitol or such other places as the needs of the department may require, but no office in any other place than the capitol shall be established as an office of said department without the consent and approval of the governor state highway commission in writing. All offices shall be kept open at such times as the business of the department and the convenience and interest of the public may require. The offices shall be conveniently and properly furnished at the expense of the state and shall be the depository for all records of the highway department. The state highway director shall give his entire time to the duties of his office.”

“§ 23-1-35.

On or before April 1 in each year, the highway department shall submit a printed report to the governor state highway commission stating as nearly as possible the number of miles of road built or improved and also the culverts and bridges constructed during the preceding fiscal year, showing the cost and general character of same, ~~and the location of material suitable for road construction, showing where such roads, culverts and bridges have been constructed.~~ The department shall also recommend to the governor state highway commission and legislature such legislation as it deems advisable and furnish any other information concerning road and bridge improvements as may be deemed expedient by the governor state highway commission and the legislature.

“§ 23-1-37.

The highway department may work convicts in the construction or maintenance of public roads and bridges of Alabama, as may now or may hereafter be provided by law, or may work convicts in the construction, repairing or maintaining public roads or bridges by contract or agreement with the department of corrections as to the number of convicts required to do such work; provided, that the charge for labor of such convicts shall be in accordance with the terms of the contract which shall be negotiated by and between the director of the state highway department and the department of corrections, with the approval of the governor state highway commission, and no other expense incurred by the use of such convicts shall be chargeable to the highway department, except such necessary tools and implements used in the construction, repairing or maintaining of the public roads and bridges upon which the convicts are employed.”

“§ 23-1-40.

(a) It shall be the duty of the highway department to designate the roads to be constructed, repaired and maintained and to construct, standardize, repair and maintain roads and bridges of this state; and it shall have

authority to make contracts or agreements to construct or pave the roadway only of the street or streets which will serve to connect the state highway constructed or repaired by the highway department within any municipality in the state of Alabama.

(b) In such municipalities in which the highway department has not designated the street or streets which are a part of the state highways constructed or repaired by the highway department, it shall be the duty of the highway department to designate such street or streets. The highway department may also cooperate or contract with any municipality or county in the paving or improving of any street or streets, highway or highways or walkway or walkways upon which a state educational or eleemosynary institution, or the property thereof, may front or abut; provided, that where said state educational or eleemosynary institution or the property thereof fronts or abuts on both sides of such street or streets, highway or highways or walkway or walkways, the highway department is hereby authorized to and shall expend an amount of money sufficient to cover the entire cost thereof; provided further, that where such institution or the property thereof fronts or abuts on only one side of such street or streets, highway or highways or walkway or walkways, the said department shall expend an amount of money sufficient to cover only one half of the cost thereof; provided, that in such case, with the special approval of the governor state highway commission, said department shall be authorized to expend a sum of money sufficient for the entire cost and, provided further, the said department may also, with the special approval of the governor state highway commission, improve or pave any street or streets, driveway or driveways, including curb and gutter, and walkway or walkways on, by or through the grounds upon which a state educational or eleemosynary institution is located and to pay the entire cost thereof.

(c) The highway department shall cause to be made and kept in its office a general highway map of the state which shall show all state roads.

(d) The highway department shall collect information and prepare statistics relative to the mileage, character and condition of the roads and bridges in all counties of the state.

(e) The highway department shall investigate and determine the methods of road construction best adapted to the various sections of the state and shall establish standards for the maintenance of roads and bridges which have been constructed with state aid.

(f) The highway department may, at all reasonable times, be consulted by county and municipal officials relative to any matter relating to the construction of roads and bridges or culverts, and the department may also call on all county and municipal officials for any information or assistance it may require and it shall be their duty to supply the same.

(g) The highway department shall determine the character and have the general supervision over the construction and maintenance of all the public roads, bridges and culverts in the state where the funds of the state are used and shall have a general supervision over the expenditure of any funds apportioned to any county of the state for the construction and maintenance of all public roads, bridges and culverts in each county."

"§ 23-1-41.

(a) The highway department is authorized and empowered and may, with the approval of the governor state highway commission provide for a

self-insurance program covering a certain amount to be paid to the employees of the highway department who may be killed or injured in the line and scope of their employment; provided, that the amount paid to any such party on account of death or injury shall not exceed the amount or amounts as provided by the Workmen's Compensation Act of this State. The director of the highway department may, with the approval of the ~~governor~~ state highway commission, enter into an agreement with an agency, company or corporation qualified to administer a self-insured Workmen's Compensation program to administer the program or, in the alternative, the director may elect to administer the program with highway department personnel. The cost of this program shall be paid out of the funds of the highway department as provided by law, and to that end and for that purpose, the department may, with the consent and approval of the ~~governor~~ state highway commission, disburse any moneys appropriated or set apart for the construction, repair or maintenance of the public roads, bridges and highways of this state.

(b) The provisions of the 1981 amendments to this section shall be retroactive to February 1, 1980.

(c) Notwithstanding the provisions of subsection (b) of this section, any reinsurance policies which are in effect as of May 17, 1981, shall continue in force until September 30, 1981."

"§ 23-1-42.

(a) The roads and streets, drives and parking areas located on the campus of any state institution of higher learning, the Alabama state hospitals, the Partlow State School and Hospital and the Alabama agricultural center in the city of Montgomery shall be deemed a part of the state highway system and may be constructed, maintained and repaired by the state highway department in the same manner as other highways and roads in the state highway system.

(b) The state highway department or the director thereof is hereby authorized and empowered to expend any funds in the public road and bridge fund to effectuate the purpose of this section, provided such expenditure is first approved by the ~~governor~~ state highway commission."

"§ 23-1-54.

Every contract for road or bridge construction, repair or maintenance under the provisions of this chapter shall be made in the name of the state of Alabama, approved by the highway department and the ~~governor~~ state highway commission."

"§ 23-1-55.

No contracts for construction, repair or renewals of highways, bridges or culverts shall be let without the approval of the ~~governor~~ state highway commission and until after all necessary right-of-way for such highways and right for material for construction and right-of-way for ingress and egress to said material have been legally procured and all documents covering such procurement have been placed on file with the highway director of the department."

"§ 23-1-58.

Neither the director, nor any member of the state highway commission, nor any deputy highway director, nor any other person in the employ of the

highway department shall be, either directly or indirectly, interested in any contract or agreement for the construction or maintenance of any road or bridge in this state or in the sale of any machinery, material or anything whatever entering into the construction, repair or maintenance of the roads and bridges of this state."

"§ 23-1-61.

There is hereby appropriated to the highway department for its use the entire net revenue derived by the state from the sale of motor vehicle, trailer and tractor licenses, and such other appropriations or funds received by the highway department shall be expended and accounted for as provided in this article. Said state highway fund shall be paid out of the treasury on the comptroller's warrant drawn upon presentation to him of the certificate of the highway department approved by the governor state highway commission."

"§ 23-1-150.

It is the intention of the legislature by the passage of this article to authorize the incorporation of ~~the director of finance, the highway director, the attorney general, the state treasurer and the executive secretary to the governor of Alabama,~~ the chairman of the state highway commission, the lieutenant governor and the speaker of the house of representatives for the purpose of constructing public roads and bridges, together with work incidental and related thereto, through a corporation to be composed of said officials whose incorporation is hereby authorized, to vest such corporation with all powers, authorities, rights, privileges and titles that may be necessary to enable it to accomplish such purpose and to appropriate and pledge funds for the use of such corporation. This article shall be liberally construed in conformity with the said purpose."

"§ 23-1-151.

~~The director of finance chairman of the state highway commission, the highway director, the attorney general, the state treasurer, the lieutenant governor and the speaker of the house of representatives and the executive secretary to the governor~~ may become a corporation, with the powers and authorities provided in this article, by proceeding according to the provisions of this article."

"§ 23-1-152.

To become a corporation, ~~the director of finance, the highway director, the attorney general, the state treasurer and the executive secretary to the governor,~~ the chairman of the state highway commission, the lieutenant governor and the speaker of the house of representatives shall present to the secretary of state of Alabama an application signed by them which will set forth:

(1) The name, official designation and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office;

(2) The date on which each applicant was inducted into office and the term of office of each of the applicants;

(3) The name of the proposed corporation, which shall be Alabama highway authority;

(4) The location of the principal office of the proposed corporation; and

(5) Any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this article or the laws of the state of Alabama.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the state of Alabama to take acknowledgments to deeds. The secretary of state shall examine the application, and if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office."

"§ 23-1-154.

The applicants named in the application, and their respective successors in office, shall constitute the members of the corporation. The ~~director of finance~~ chairman of the state highway commission shall be the president of the corporation, the ~~executive secretary to the governor~~ lieutenant governor shall be the vice-president of the corporation, the highway director shall be the secretary of the corporation and the state treasurer shall be the treasurer of the corporation and shall act as custodian of its funds. The members of the corporation shall constitute all the members of the board of directors of the corporation, and any three members of the said board of directors shall constitute a quorum for the transaction of business. Should any of said officials of the state die or should his term of office as ~~director of finance, highway director, attorney general, state treasurer or executive secretary to the governor, chairman of the state highway commission, lieutenant governor or speaker of the house of representatives,~~ as the case may be, expire, or should he resign therefrom, his successor in office shall take his place as a member, officer and director of the corporation. No member, officer or director of the corporation shall draw any salary, in addition to that now authorized **by law, for any service he may render or any duty he may perform** in connection with the corporation. All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the corporation and recorded in a substantially bound book. Copies of such proceedings, when certified by the secretary of the corporation under the seal of the corporation, shall be received in all courts as prima facie evidence of the matters and things therein certified."

"§ 23-1-156.

All contracts of the corporation for the construction, reconstruction and relocation of roads and bridges, and work incidental or related thereto and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the state highway department and shall be subject to approval by the ~~governor~~ state highway commission and by the state highway department. All work provided for in any such contract shall be supervised by the state highway department. All persons engaged in the supervision or performance of any such work of construction, reconstruction or relocation that may be done by the corporation without the award of a contract therefor shall be employees of the state highway department. The corporation shall make and enforce all reasonable rules and regulations not inconsistent with the terms of this article or the laws of the state of Alabama as may in its opinion be proper and suitable for the protection of said roads, bridges, approaches and appurtenances and for the safety of the traveling public. Any property acquired by the corporation by purchase, condemnation or otherwise shall be forthwith

conveyed to the state of Alabama. All roads and bridges constructed by the corporation shall constitute part of the public highway system in the state."

"§ 23-1-157.

(a) The bonds of the corporation shall be signed by its president and attested by its secretary, and all interest coupons applicable to such bonds shall be signed by the president; provided, that a facsimile of the signature of one, but not of both, of said officers may be imprinted or otherwise reproduced on any such bonds in lieu of their being manually signed and a facsimile of the president's signature may be imprinted or otherwise reproduced on any such interest coupons in lieu of their being manually signed. The seal of the corporation shall be affixed to such bonds; provided, that a facsimile of said seal may be imprinted or otherwise reproduced on any such bonds in lieu of being manually affixed thereon.

(b) Any bonds of the corporation may be executed and delivered at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may contain provisions for redemption prior to maturity and may contain other provisions not inconsistent with this article, all as may be provided by the resolution of the board of directors whereunder such bonds are authorized to be issued; provided, that no bond of the corporation shall have a specified maturity date later than 20 years after its date. Any bond of the corporation having a specified maturity date more than five years after its date shall be made subject to redemption at the option of the corporation at the end of the fifth year after its date and on any interest payment date thereafter under such terms and conditions as may be provided in the resolution under which such bond is authorized to be issued.

(c) Bonds of the corporation may be sold from time to time as the board of directors may deem advantageous; provided, that the aggregate principal amount of bonds of the corporation which may be issued under this article shall be limited to \$50,000,000.00, but the said limitation shall not apply to refunding bonds which may be issued under this article and also shall not apply to bonds of the corporation which may be issued under any other act which may at any time be enacted; provided further, that no bonds shall be issued under this article by the corporation in any instance where the aggregate of the principal thereof and interest thereon maturing during any fiscal year of the state of Alabama, when added to the total principal and interest maturing during the same fiscal year with respect to all bonds of the corporation then outstanding, if any there be, including bonds issued under this article and any other bonds of the corporation, exceeds 50 percent of the sum of, in the case of bonds issued during either of the fiscal years ending September 30, 1955, and September 30, 1956, one ninth of the proceeds of the gasoline excise tax levied under section 40-17-31, collected by the state of Alabama during the fiscal year ending September 30, 1954, or, in the case of bonds issued during any fiscal year ending subsequent to September 30, 1956, two twenty-firsts of the proceeds of the gasoline excise tax levied under section 40-17-31, collected by the state of Alabama during the fiscal year next preceding the fiscal year during which such bonds shall be issued.

(d) Bonds of the corporation must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the corporation for the bonds being sold, computed to their respective maturities; provided, that if no bid acceptable to the

corporation is received, it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the city of New York, New York, and also by publication in a newspaper published in the state of Alabama which is customarily published not less than six days during each calendar week, each of which notices must be published at least one time not less than 10 days prior to the date fixed for the sale. The board of directors may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof and provided, further, that such terms and conditions shall not conflict with any of the requirements of this article.

(e) Subject to the provisions and limitations contained in this article, the corporation may, from time to time, sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the corporation issued under this article and then outstanding.

(f) Approval by the ~~governor of Alabama~~ state highway commission of the terms and conditions under which any bonds of the corporation may be issued shall be requisite to their validity. Such approval shall be entered on the minutes of the respective meetings of the board of directors at which the bonds are authorized and shall be signed by the ~~governor~~ chairman of the state highway commission. Such approval by the ~~governor~~ chairman of the state highway commission may be shown on any such bonds by his facsimile signature when authorization thereof is contained in the said approval signed by him.

(g) The corporation may pay out of the proceeds from the sale of its bonds all expenses, including fees of fiscal agents and attorneys and other charges, which said board of directors may deem necessary and advantageous **in connection with the issuance of such bonds. Bonds issued by the corporation under this article shall not be general obligations of the corporation, but shall be payable solely out of the funds appropriated and pledged therefor.**

(h) As security for the payment of the principal of and interest on any bonds issued by it under this article the corporation is hereby authorized and empowered to pledge for payment of said principal and interest the funds that are appropriated and pledged for payment of said principal and interest. All such pledges made by the corporation shall take precedence in the order of the adoption of the resolutions containing such pledges. All contracts made and all bonds issued by the corporation pursuant to the provisions of this article shall be solely and exclusively obligations of the corporation and shall not be an obligation or debt of the state of Alabama. Bonds issued by the corporation under this article shall be construed to be negotiable instruments although payable solely from a specified source as provided in this article.

(i) All bonds issued by the corporation and the income therefrom shall be exempt from all taxation in the state of Alabama. Any bonds issued by the corporation may be used by the holder thereof as security for any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law.

(j) Unless otherwise directed by the court having jurisdiction thereof or by the document that is the source of authority, a trustee, executor, administrator, guardian or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the

exercise of reasonable business prudence, invest trust funds in bonds of the corporation.

(k) Neither a public hearing nor consent by the state department of finance or any other department or agency shall be a prerequisite to the issuance of bonds of the corporation."

"§ 23-1-158.

The proceeds of all bonds, other than refunding bonds, issued by the corporation, remaining after paying the expenses of their issuance, shall be turned in to the treasury, shall be carried in the public road and bridge account and shall be subject to be drawn on by the corporation, upon the approval of the state highway department and the ~~governor~~ state highway commission, but solely for the purpose of constructing, reconstructing and relocating public roads and bridges, or work incidental or related thereto, in the state of Alabama, including the acquisition of property necessary for such construction and incidental and related work; provided, that if such action shall be necessary in order to comply with any federal legislation relating to federal aid in construction of roads, the corporation may authorize the state highway department to expend directly any portion of such proceeds for constructing, reconstructing and relocating such roads and bridges or work incidental or related thereto. The proceeds from the sale of any refunding bonds of the corporation remaining after paying the expenses of their issuance shall be used only for the purpose of refunding the principal of outstanding bonds of the corporation and of paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded."

"§ 23-1-170.

It is the intention of the legislature by the passage of this article to authorize the incorporation of a public corporation for the following purposes:

(1) To issue bonds to assure the availability of funds for payment of the state's share of the cost of constructing roads and bridges as shall from time to time be constructed with funds supplied jointly by the state and federal government; and

(2) To construct and maintain, or participate in the construction and maintenance, or lend its aid in construction and maintenance or contract for construction and maintenance of roads and bridges in the state of Alabama, as well as the approaches thereto, including the reconstruction and relocating of approaches, causeways and like or other highway facilities which may, from time to time, be constructed and maintained with funds to be supplied jointly by the state and federal government, together with work incidental and related thereto, through a corporation to be composed of said officials whose incorporation is hereby authorized to vest such corporation with all powers, authorities, rights, privileges and titles that may be necessary to enable it to accomplish such purpose, and to appropriate and pledge funds for the use of such corporation.

All construction and maintenance referred to in this section shall be done under the direction and supervision of the state highway department. The state highway department may assign, contract or delegate the work of construction and maintenance under its general powers, subject to approval by the ~~governor~~ state highway commission. This article shall be liberally construed in conformity with the said purposes."

"§ 23-1-171.

The highway director, ~~the attorney general and the director of finance~~ the lieutenant governor and the speaker of the house of representatives may become a corporation, with the powers and authorities provided in this article, by proceeding according to the provisions of this article."

"§ 23-1-172.

To become a corporation, the highway director, ~~the attorney general and the director of finance~~ the lieutenant governor and the speaker of the house of representatives shall present to the secretary of state of Alabama an application signed by them which shall set forth:

(1) The name, official designation and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office;

(2) The date on which each applicant was inducted into office and the term of office of each of the applicants;

(3) The name of the proposed corporation, which shall be Alabama highway finance corporation;

(4) The location of the principal office of the proposed corporation, which shall be Montgomery, Alabama; and

(5) Any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this article or the laws of the state of Alabama.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the state of Alabama to take ~~acknowledgments to deeds~~. ~~The secretary of state shall examine the application~~, and if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office."

"§ 23-1-174.

The applicants named in the application and their respective successors in office shall constitute the members of the corporation. The highway director shall be the president of the corporation, ~~the attorney general~~ lieutenant governor shall be its vice-president, ~~the director of finance~~ speaker of the house of representatives shall be the secretary of the corporation and the state treasurer shall be the treasurer of the corporation and shall act as custodian of its funds. The members of the corporation shall constitute all the members of the board of directors of the corporation, and any two members of the said board of directors shall constitute a quorum for the transaction of business. Should any of said officials of the state die or should his term of office as highway director, ~~attorney general or director of finance~~ lieutenant governor or speaker of the house of representatives, as the case may be, expire or should he resign therefrom, his successor in office shall take his place as a member, officer and director of the corporation. No member, officer or director of the corporation shall draw any salary, in addition to that now authorized by law, for any service he may render or any duty he may perform in connection with the corporation. All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the corporation and recorded in a substantially bound book. Copies of such proceedings, when certified by the secretary of the corporation

under the seal of the corporation, shall be received in all courts as prima facie evidence of the matters and things therein certified."

"§ 23-1-176.

All contracts of the corporation for the construction, reconstruction and relocation of roads and bridges, and work incidental or related thereto and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the state highway department and shall be subject to approval by the ~~governor~~ state highway commission and by the state highway department. All work provided for in any such contract shall be supervised by the state highway department. All persons engaged in the supervision or performance of any such work of construction, reconstruction or relocation that may be done by the corporation without the award of a contract therefor shall be employees of the state highway department. Any property acquired by the corporation by purchase, condemnation or otherwise shall be forthwith conveyed to the state of Alabama. All roads and bridges constructed by the corporation shall constitute part of the public highway system in the state."

"§ 23-1-177.

(a) The bonds of the corporation shall be signed by its president and attested by its secretary, and the seal of the corporation shall be affixed thereto or printed or otherwise reproduced thereon, and any interest coupons applicable to such bonds shall be signed by the president; provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lieu of his signing the same and a facsimile of the president's signature may be printed or otherwise reproduced on any such interest coupons in lieu of his signing the same.

(b) Any bonds of the corporation may be executed and delivered by it at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may contain provisions for redemption prior to maturity and may contain such other provisions not inconsistent with this article, all as may be provided by the resolution of the board of directors under which such bonds are authorized to be issued; provided, that no bond of the corporation shall have a specified maturity date later than 20 years after its date.

(c) Bonds of the corporation may be sold from time to time as the board of directors may deem advantageous; provided, that the aggregate principal amount of bonds of the corporation, other than refunding bonds, which may be issued under this article after February 1, 1978, shall be limited to \$25,000,000.00; and provided, further, that no bonds, other than refunding bonds, may be sold or issued by the corporation unless the governor shall have first determined that the issuance of the bonds proposed to be issued will be necessary to assure the availability of funds for payment of the state's share of the cost of roads and bridges that shall from time to time be constructed with funds supplied jointly by the state and the federal government.

(d) Bonds of the corporation must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the corporation for the bonds being sold, computed to their relative maturities; provided, that if no bid acceptable to the corporation is received it may reject all bids. Notice of each such sale shall be

given by publication in either a financial journal or a financial newspaper published in the city of New York, New York and also by publication in a newspaper published in the state of Alabama that is customarily published not less often than five days during each calendar week, each of which notices must be published at least one time not less than 10 days prior to the date fixed for the sale. The board of directors may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided, further, that such terms and conditions shall not conflict with any of the requirements of this article.

(e) Subject to the provisions and limitations contained in this article, the corporation may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the corporation then outstanding. Approval by the ~~governor of Alabama~~ state highway commission of the terms and conditions under which any bonds of the corporation may be issued shall be requisite to their validity. Such approval shall be entered on the minutes of the meetings of the board of directors at which the bonds are authorized and shall be signed by the ~~governor~~ chairman of the state highway commission. Such approval by the ~~governor~~ chairman of the state highway commission may be shown on any such bonds by a facsimile of his signature printed or otherwise reproduced thereon when authorization thereof is contained in the said approval signed by him.

(f) The corporation may pay out of the proceeds from the sale of its bonds all expenses, including fees of attorneys and other charges, which said board of directors may deem necessary and advantageous in connection with the issuance of such bonds. Bonds issued by the corporation shall not be general obligations of the corporation but shall be payable solely out of the funds appropriated and pledged therefor by act of the legislature. As security for the payment of the principal of, and interest on, any bonds issued by it, the corporation is hereby authorized and empowered to pledge for payment of such principal and interest the funds that are appropriated and pledged by act of the legislature for payment of said principal and interest.

(g) All contracts made and all bonds issued by the corporation pursuant to the provisions of this article shall be solely and exclusively obligations of the corporation and shall not be an obligation or debt of any kind of the state of Alabama. Bonds issued by the corporation when not registered shall be construed to be negotiable instruments although payable solely from a specified source as provided in this article. All bonds issued by the corporation and the income therefrom shall be exempt from all taxation in the state of Alabama. Any bonds issued by the corporation may be used by the holder thereof as security for any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law.

(h) Unless otherwise directed by the court having jurisdiction thereof or by the document that is the source of authority, a trustee, executor, administrator, guardian or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust and other fiduciary funds in bonds of the corporation.

(i) Neither a public hearing nor consent by the state department of finance or any other department or agency shall be a prerequisite to the issuance of bonds by the corporation. All obligations issued by the corporation shall be exempt from the laws of the state governing usury or prescribing

or limiting interest rates including but without limitation to the provisions of chapter 8 of Title 8 of this Code, as it now exists and as it may at any time be amended."

"§ 23-1-178.

The proceeds of all bonds, other than refunding bonds, issued by the corporation remaining after paying the expenses of their issuance shall be turned in to the treasury, shall be carried in the public road and bridge account and shall be subject to be drawn on by the corporation, upon the approval of the state highway department and the governor state highway commission, but solely for the purpose of constructing, reconstructing and relocating public roads and bridges, or work incidental or related thereto, including the acquisition of property necessary therefor, in the state of Alabama; provided, that such funds may be used only for payment of the state's share of the cost of constructing, reconstructing and relocating public roads and bridges, or work incidental or related thereto, which have been or will be constructed, reconstructed or relocated under programs financed jointly by the state and the federal government; and provided further, that if such action shall be necessary in order to comply with any federal legislation relating to federal aid in construction of roads, the corporation may authorize the state highway department to expend directly any portion of such proceeds for constructing, reconstructing and relocating such roads and bridges, or work incidental or related thereto. The proceeds from the sale of any refunding bonds of the corporation remaining after paying the expenses of their issuance shall be used only for the purpose of refunding the principal of outstanding bonds of the corporation and of paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded."

"§ 23-1-300.

(a) It is the intention of the legislature by the passage of this article to authorize the incorporation of the ~~director of finance~~ chairman of state highway commission, the highway director, the ~~attorney general~~ lieutenant governor, the state treasurer and the ~~executive secretary to the governor of Alabama~~ speaker of the house of representatives for the purpose of anticipating and providing for (i) the federal share of the cost of constructing federal-aid interstate and defense highways and (ii) the federal share of the cost of constructing federal-aid primary highways, together with work incidental and related to the construction of all such highways, and thus to accelerate the construction of such interstate, defense and primary highways in the state by the issuance of the obligations of such corporation, which shall not be bonds or debts of the state but shall be payable solely from federal-aid highway funds to be received during the federal fiscal years ending 1978 through 1995 and the tax proceeds and investment income provided therefor by this article.

(b) This article shall be liberally construed in conformity with the said purpose."

"§ 23-1-302.

The ~~director of finance~~ chairman of the state highway commission, the highway director, the ~~attorney general~~ lieutenant governor, the state treasurer and the ~~executive secretary to the governor~~ speaker of the house of representatives may become a corporation with the powers and authorities provided in this article by proceeding according to the provisions of this article."

"§ 23-1-303.

(a) To become a corporation, ~~the director of finance chairman of the state highway commission, the highway director, the attorney general lieutenant governor, the state treasurer and the executive secretary to the governor~~ speaker of the house of representatives shall present to the secretary of state of Alabama an application signed by them which will set forth:

(1) The name, official designation and official residence of each of the applicants;

(2) The date on which each applicant was inducted in the office and the term of office of each of the applicants;

(3) The name of the proposed corporation, which shall be Alabama federal aid highway finance authority;

(4) The location of the principal office of the proposed corporation; and

(5) Any other matter relating to the proposed corporation which the applicants may choose to insert and which is not inconsistent with this article or the laws of the state of Alabama.

(b) The application shall be subscribed and sworn to by each of the applicants before an officer authorized by laws of the state of Alabama to take acknowledgments to deeds.

(c) The secretary of state shall examine the application and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office."

"§ 23-1-305.

(a) The applicants named in the application and their respective successors in office shall constitute the members of the corporation.

(b) The ~~director of finance chairman of the state highway commission~~ shall be the president of the corporation, the ~~executive secretary to the governor~~ speaker of the house of representatives shall be the vice-president of the corporation, the highway director shall be the secretary of the corporation and the state treasurer shall be the treasurer of the corporation and shall act as custodian of its funds.

(c) The members of the corporation shall constitute all the members of the board of directors of the corporation, and any three members of said board of directors shall constitute a quorum for the transaction of business.

(d) Should any of said officials of the state die or should his term of office (as ~~director of finance chairman of the state highway commission, highway director, attorney general lieutenant governor, state treasurer or executive secretary to the governor~~ speaker of the house of representatives, as the case may be) expire or should he resign therefrom, his successor in office shall take his place as a member, officer and director of the corporation.

(e) No member, officer or director of the corporation shall draw any salary in addition to that now authorized by law for any service he may render or any duty he may perform in connection with the corporation.

(f) All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the corporation and recorded in a

substantially bound book. Copies of such proceedings, when certified by the secretary of the corporation under the seal of the corporation, shall be received in all courts as prima facie evidence of the matters and things therein certified."

"§ 23-1-310.

Obligations of the authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board of directors to be most advantageous; provided, that none of the obligations may be sold for a price less than 97 percent of par or face value. Approval by the governor of Alabama state highway commission of the terms and conditions under which any of the obligations authorized by this article may be issued shall be requisite to their validity, which approval, signed by the governor chairman of the state highway commission, shall be entered on the minutes of the respective meetings of the board of directors at which such obligations proposed to be issued are authorized. Neither a public hearing or consent by the state department of finance nor any other department or agency shall be a prerequisite to the issuance of any of the obligations. All obligations issued by the authority shall be exempt from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of chapter 8 of Title 8 of this Code, as it now exists and as it may at any time be amended."

"§ 23-1-313.

The authority shall pay out of the proceeds from the sale of the obligations authorized by this article all expenses that the board of directors may deem necessary and advantageous in connection with the sale and issuance thereof. The proceeds from the issue of any obligations authorized by this article, (i) except the proceeds of bonds which were issued to pay principal and interest of temporary bonds or notes and in anticipation of which such temporary bonds or notes shall have been issued, and (ii) except the proceeds of refunding bonds issued to refund any outstanding obligation, remaining after paying the expenses of their sale and issuance, shall be deposited in the state treasury, shall be credited to the road and bridge fund and shall be subject to be withdrawn by the authority, upon the approval of the state highway department and the governor state highway commission, but only for the purpose of paying the federal share of the cost of interstate, defense and primary highways, or work incidental or related to any such construction within the state (including the acquisition of property necessary for such construction and related work) to be repaid to the state by the federal government, and such proceeds shall be used for no other purpose. The proceeds from the sale of the obligations shall not be expended for any highway construction project until such time as the United States secretary of transportation or his designated representative shall have approved the design and location of the project, shall have formally stated in writing that such project will be eligible for federal aid matching funds when such funds become available and shall have entered into a written agreement providing for the repayment of such funds. Proceeds of bonds issued to provide funds for payment of the principal of and interest on temporary bonds or notes issued in anticipation of the sale and issuance of such bonds shall be used solely for the purpose of paying the expenses of the sale and issuance of such bonds and the payment of the principal of and interest on such temporary bonds or notes. Proceeds of refunding bonds issued for the purpose of refunding any outstanding obligations of the authority remaining after payment of the expenses of their issuance shall be used solely for payment of

the principal of and interest on such outstanding obligations of the authority and of paying any premium that may be necessary to be paid in order to redeem and retire the obligations to be refunded."

"§23-1-317.

(a) If such action shall be necessary in order to comply with any federal legislation relating to federal aid in construction of roads and highways, the authority may authorize the state highway department to expend directly any portion of proceeds from obligations issued under this article for constructing, reconstructing and relocating interstate, defense and primary highways or work incidental or related thereto.

(b) All contracts of the authority for the construction, reconstruction and relocation of interstate, defense and primary highways, and work incidental or related thereto and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the state highway department and shall be subject to approval by the ~~governor~~ state highway commission and by the state highway department. All work provided for in any such contract shall be supervised by the state highway department.

(c) All persons engaged in the supervision or performance of any such work of construction, reconstruction or relocation that may be done by the authority without the award of a contract therefor shall be employees of the state highway department.

(d) The authority shall make and enforce all reasonable rules and regulations not inconsistent with the terms of this article or the laws of the state of Alabama as may, in its opinion, be proper and suitable for the protection of said interstate, defense and primary highways and approaches and appurtenances thereto and for the safety of the traveling public; provided, however, that the above provisions shall apply only to the extent that they are not in conflict with any federal legislation, regulation or requirement relating to federal aid in interstate, defense and primary highway construction.

(e) Any property acquired by the authority by purchase, condemnation or otherwise shall be forthwith conveyed to the state of Alabama.

(f) All interstate, defense and primary highways constructed by the corporation shall constitute part of the public highway system in the state."

Section 8. Sections 23-2-143, 23-2-144 and 23-2-161, Code of Alabama 1975, are hereby amended to read as follows:

"§ 23-2-143.

(a) There is hereby established a body corporate and politic with corporate succession, to be known as the "Alabama toll road, bridge and tunnel authority." The authority is hereby constituted an instrumentality exercising public and essential governmental functions and the exercise by the authority of the powers conferred by this article shall be deemed and held to be an essential governmental function of the state.

(b) The authority shall consist of the ~~governor~~ chairman of the state highway commission, the lieutenant governor, the speaker of the house of representatives, the highway director, one member of the senate to be appointed by the lieutenant governor, one member of the house of representatives to be appointed by the speaker of the house and one person from

the state at large to be appointed by the ~~governor~~ chairman of the joint legislative highway committee.

(c) The ~~governor~~ chairman of the state highway commission shall be chairman of the authority. The authority shall elect a secretary and a treasurer who need not be members and may be one and the same person. Four members of the authority shall constitute a quorum and the concurrence of four members shall be necessary for any action taken by the authority. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority. Should any of the said officials of the state die or should his term of office, as such official, expire, or should he resign therefrom, his successor in office shall take his place as a member or officer of the authority. Any vacancy in the appointed membership of the authority shall be filled in the same manner as the original appointment was made.

(d) If the secretary and treasurer are not members of the authority, before the issuance of any toll road, bridge or tunnel revenue bonds under the provisions of this article, the secretary shall execute a surety bond in the penal sum of \$25,000.00 and the treasurer shall execute a surety bond in the penal sum of \$50,000.00, which shall be sufficient if he be secretary also. Each such surety bond shall be conditioned upon the faithful performance of the duties of the office of secretary or treasurer, as the case may be, to be executed by a surety company authorized to transact business in the state of Alabama as surety, and to be approved by the ~~governor~~ state highway commission and filed in the office of the secretary of state. The cost of such bonds shall be borne by the authority.

(e) The members of the authority shall serve without compensation. The appointed members shall receive reimbursement for their expenses when actively engaged on the authority's business, such expenses to be paid in accordance with article 2 chapter 7 of Title 36."

"§ 23-2-144.

The authority shall have the following powers:

- (1) To adopt bylaws for the regulation of its affairs and the conduct of its business;
- (2) To adopt an official seal and alter the same at pleasure;
- (3) To maintain a principal office and branch offices at such place or places within the state as it may designate;
- (4) To sue and be sued in its own name, including suits in tort;
- (5) To acquire and construct toll road, bridge or tunnel projects at such locations as the authority may determine to be desirable, practicable and economically feasible and to maintain, repair and operate such projects;
- (6) To issue toll road, bridge or tunnel revenue bonds of the authority for any of its corporate purposes, payable solely from its tolls, other revenues and proceeds of such bonds, and to refund its bonds, all as provided in this article. No bonds issued under the provisions of this article shall constitute a debt or liability of the state or of any political subdivision thereof or a pledge of the faith and credit of the state or of any such political subdivision, and neither the state nor any political subdivision thereof shall ever pay or agree to pay any portion of the

same, but such bonds shall be payable solely from the funds pledged or available for their payment as authorized in this article. All such toll road, bridge or tunnel revenue bonds shall contain on the face thereof a statement to the effect that the authority is obligated to pay the same or the interest thereon only from its tolls or other revenues and that neither the state nor any political subdivision thereof is obligated to pay the same or the interest thereon and that neither the faith and credit nor the taxing power of the state or of any political subdivision thereof is pledged to the payment of the principal thereof or the interest thereon;

(7) To fix and revise from time to time, charge and collect tolls for transit over or through toll road, bridge and tunnel projects constructed by it;

(8) To establish rules and regulations for the use of any project;

(9) To acquire, hold and dispose of real and personal property;

(10) To acquire in the name of the authority, by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by condemnation in accordance with the provisions of Title 18, and other provisions of law, insofar as the same may be applicable, any land and other property or any easement or interest therein, which it may determine is reasonably necessary for any toll road, bridge or tunnel project or for its protection and preservation, or for the construction, relocation or reconstruction of any access highway, street or road; and to acquire by purchase or by condemnation, land necessary for drainage ditches, clay, sand and gravel pits, and lime and stone quarries, together with any other material of every character that may be necessary in the construction and maintenance of toll road, bridge or tunnel projects and access highways and roads;

(11) To designate points of ingress to and egress from each toll road, bridge or tunnel project and to prohibit entrance to and exit from such project at any point or points not so designated;

(12) To make and enter into contracts and agreements necessary for, or incidental to, the performance of its duties and the execution of its powers under this article, including contracts and agreements for professional services deemed necessary for such purposes by the authority;

(13) To appoint managers, superintendents, tolltakers and such other employees and agents as may be necessary, in its judgment, to the efficient accomplishment of the purposes of this article;

(14) To receive and accept from any federal agency, subject to the approval of the ~~governor~~ state highway commission, grants for, or in aid of, the construction of any project and to receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made;

(15) To provide coverage for its employees under the provisions of chapter 5 of Title 25, and the federal Social Security Act; and

(16) To do all acts and things necessary or convenient to carry out the powers granted in this article."

“§ 23-2-161.

The state highway department is hereby authorized, subject to the approval of the ~~governor~~ state highway commission, to expend out of any funds available to it such moneys as may be necessary for the study of any proposed toll road, bridge or tunnel project authorized under this article and to use its engineering and other forces, including consulting engineers and traffic engineers, for the purpose of effecting the study. All such expenses incurred by the department prior to the issuance of revenue bonds under the provisions of this article shall be paid by the department and charged to the appropriate project or projects and the department shall keep proper records and accounts showing each amount so charged.

Upon the sale of toll road, bridge or tunnel revenue bonds for a toll road, bridge or tunnel project, the funds so expended by the department in connection with a project shall be reimbursed by the authority to the department from the proceeds of such bonds and thereafter all expenses incurred in carrying out the provisions of this article shall be payable solely from funds provided under the authority of this article.

Nothing in this article shall be construed so as to authorize the authority to incur indebtedness or liability on behalf of or payable by the state or by any of its political subdivisions.”

Section 9. Sections 23-6-2, 23-6-3, 23-6-4, 23-6-6, 23-6-8 and 23-6-9, Code of Alabama 1975, are hereby amended to read as follows:

“§ 23-6-2.

It is the intention of the legislature by the passage of this chapter to authorize the incorporation of a public corporation for the following purposes:

To issue bonds to assure the availability of funds for payment of the cost of constructing industrial access roads and bridges as shall from time to time be constructed;

To construct industrial access roads and bridges through a corporation to be composed of the officials whose incorporation is hereby authorized;

To vest such corporation with all powers, authorities, rights, privileges, and titles that may be necessary to enable it to accomplish such purpose; and

To appropriate and pledge funds for the use of such corporation. All construction herein referred to shall be performed by or under the direction and supervision of the state highway department. The state highway department may assign, contract or delegate the work of construction under its general powers, subject to approval by the ~~governor~~ state highway commission. This chapter shall be liberally construed in conformity with the said purposes.”

“§ 23-6-3.

The highway director, the state treasurer and the ~~director of finance~~ chairman of the state highway commission may become a corporation, with the powers and authorities hereinafter provided, by proceeding according to the provisions of this chapter.”

“§ 23-6-4.

To become a corporation, the highway director, the state treasurer and the ~~director of finance~~ chairman of the state highway commission shall

present to the secretary of state of Alabama an application signed by them which shall set forth:

- (1) The name, official designation and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office;
- (2) The date on which each applicant was inducted into office and the term of office of each of the applicants;
- (3) The name of the proposed corporation, which shall be Alabama Industrial Access Road and Bridge Corporation;
- (4) The location of the principal office of the proposed corporation, which shall be Montgomery, Alabama; and
- (5) Any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this chapter or the laws of the state of Alabama.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the state of Alabama to take acknowledgments to deeds. The secretary of state shall examine the application and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

“§ 23-6-6.

The applicants named in the application and their respective successors in office shall constitute the members of the corporation. The highway director shall be the president of the corporation, the state treasurer shall be its vice-president, the ~~director of finance chairman of the state highway commission~~ shall be the secretary of the corporation, and the state treasurer shall be the treasurer of the corporation and shall act as custodian of its funds. The members of the corporation shall constitute all the members of the board of directors of the corporation, and any two members of the said board of directors shall constitute a quorum for the transaction of business. Should any of said officials of the state die or should his term of office as highway director, state treasurer, or ~~director of finance chairman of the state highway commission~~, as the case may be, expire or should he resign therefrom, his successor in office shall take his place as a member, officer and director of the corporation. No member, officer or director of the corporation shall draw any salary, in addition to that now authorized by law, for any service he may render or any duty he may perform in connection with the corporation. All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the corporation and recorded in a substantially bound book. Copies of such proceedings, when certified by the secretary of the corporation under the seal of the corporation, shall be received in all courts as prima facie evidence of the matters and things therein certified.”

“§ 23-6-8.

The bonds of the corporation shall be signed by its president and attested by its secretary and the seal of the corporation shall be affixed thereto or a facsimile thereof printed or otherwise reproduced thereon. The signatures of both the president and the secretary on any bonds may be facsimile signatures if the board of directors, in its proceedings with respect to issuance of such bonds, provides for manual authentication thereof (or manual execution of certificates of registration thereon) by a trustee, registrar or paying

agent or by named individuals who are employees of the state assigned to the finance department or the state treasurer's office. Any bond of the corporation may be executed and delivered by it at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may contain provisions for redemption prior to maturity for refunding at or before maturity with refunding bonds of the corporation or of another governmental entity or public corporation of the state and for defeasance of any unmatured refunded bonds through the use of any such refunding bonds, and may contain such other provisions not inconsistent herewith, all as may be provided by the resolution of the board of directors under which such bonds are authorized to be issued; provided, that no bond of the corporation shall have a specified maturity date later than 10 years after its date. Bonds of the corporation may be sold from time to time in one or several series and pursuant to a single bond resolution or separate bond resolutions, all as the board of directors may deem advantageous; provided, that the aggregate principal amount of bonds of the corporation at any one time outstanding shall not exceed \$25,000,000.00, excluding refunding bonds, which shall not be considered in determining such limit; provided, further, that no bonds (other than refunding bonds) may be sold or issued by the corporation unless the governor state highway commission shall have first determined that the issuance of the bonds proposed to be issued will be necessary to assure the availability of funds for payment of the cost of industrial access roads and bridges that shall from time to time be constructed.

Obligations of the corporation may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board of directors to be most advantageous; provided, that none of the obligations may be sold for a price less than 97 percent of par or face value. Subject to the provisions and limitations contained in this chapter, the corporation may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the corporation then outstanding. Approval by the governor state highway commission of Alabama of the terms and conditions under which any bonds of the corporation may be issued shall be requisite to their validity. Such approval shall be entered on the minutes of the meetings of the board of directors at which the bonds are authorized, and shall be signed by the governor chairman of the state highway commission. Such approval by the governor chairman of the state highway commission may be (but is not required to be) shown on any such bonds by a facsimile of his signature printed or otherwise reproduced thereon when authorization thereof is contained in the said approval signed by him. The corporation may pay out of the proceeds from the sale of its bonds all expenses, including fees of attorneys and other charges, which said board of directors may deem necessary and advantageous in connection with the issuance of such bonds. Bonds issued by the corporation shall not be general obligations of the corporation but shall be payable solely out of the funds appropriated and pledged therefor in section 23-6-10 hereof. As security for the payment of the principal of and interest on any bonds issued by it, the corporation is hereby authorized and empowered to pledge for payment of such principal and interest the funds that are appropriated and pledged in section 23-6-10 hereof for payment of said principal and interest. All such pledges made by the corporation shall take precedence in the order of the adoption of the resolution containing such pledges. All contracts made and all bonds issued by the corporation pursuant to the provisions of this chapter shall be solely and exclusively

obligations of the corporation and shall not be an obligation or debt of any kind of the state of Alabama. Bonds issued by the corporation shall be construed to have all the qualities and incidents of negotiable instruments subject to the registration provisions pertaining to transfers. All bonds issued by the corporation and the income therefrom shall be exempt from all taxation in the state of Alabama. Any bonds issued by the corporation may be used by the holder thereof as security for any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust and other fiduciary funds in bonds of the corporation. Neither a public hearing nor consent by the state department of finance or any other department or agency shall be a prerequisite to the issuance of bonds by the corporation."

"§ 23-6-9.

The proceeds of all bonds, other than refunding bonds, issued by the corporation, remaining after paying the expenses of their issuance, shall be turned into the treasury, shall be carried in a special industrial access road and bridge construction account, and shall be available to be drawn upon by the corporation, upon the approval of the state highway department and the governor state highway commission, but solely for the purpose of constructing, reconstructing and relocating industrial access roads and bridges and work incidental or related thereto, including the acquisition of property necessary therefor. Moneys on deposit in the industrial access road and bridge construction account shall be invested by the state treasurer at the direction of the corporation in permitted investments which mature at such **time or times as the corporation shall direct. Net interest income earned** from the investment of bond proceeds deposited into the industrial access road and bridge construction account shall be deposited as received by the state treasurer into the state public road and bridge fund to be used for state highway purposes.

The proceeds from the sale of any refunding bonds of the corporation remaining after paying the expenses of their issuance shall be used only for the purpose of refunding outstanding bonds of the corporation and of paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded. Bonds refunded prior to their maturity with the proceeds of refunding bonds shall be defeased if the corporation, in its proceedings regarding issuance of the refunding bonds provides for and establishes a trust or escrow fund comprised of moneys or government securities, or both, sufficient to pay, when due, the entire principal of, premium, if any, and interest on the refunded bonds; provided, that such government securities shall not be subject to redemption prior to their maturities other than at the option of the holder thereof. Upon the establishment of such a trust or escrow fund, the refunded bonds shall no longer be deemed to be outstanding, shall no longer be secured by the funds pledged therefor in section 23-6-10 of this chapter, shall no longer be obligations of the corporation and shall be secured solely by and payable from moneys and government securities deposited in such trust or escrow fund. All contracts of the corporation for the construction, reconstruction and relocation of industrial access roads and bridges, work incidental or related thereto, and the acquisition of property necessary therefor, shall be in writing, shall be

subject to the rules and regulations and shall be let under the supervision of the state highway department, and shall be subject to approval by the ~~governor state highway commission~~ and by the state highway department. All work provided for in any such contract shall be supervised by the state highway department. All persons engaged in the supervision or performance of any such work of construction, reconstruction or relocation that may be done by the corporation without the award of a contract therefor shall be employees of the state highway department. Any property acquired by the corporation by purchase, condemnation or otherwise shall be acquired in the name of the state or shall be forthwith conveyed to the state. All roads and bridges constructed by the corporation shall constitute part of the public highway and street system of the state.

There is hereby appropriated so much of the bond proceeds as may be necessary for the construction of industrial access roads and bridges in the state."

Section 10. Section 8-17-91, Code of Alabama 1975, is hereby amended to read as follows:

"§ 8-17-91.

(a) The proceeds from the permit fees, inspection fees and penalties, if any, collected by the commissioner of agriculture and industries pursuant to the provisions of this division shall be paid into the state treasury and distributed by the state treasurer as follows:

(1) \$175,000.00 of the proceeds received each month shall accrue to the credit of, and be deposited in, the agricultural fund; and

(2) The balance of the proceeds shall be distributed as follows:

a. 13.87 percent of the balance of the proceeds shall be distributed equally among each of the 67 counties of the state monthly. Such funds shall be used by the counties for the following purpose:

When the use is by a county, such use shall be for the construction, including draining, grading, basing, paving, signing and erosion items, of certain high density unpaved roads as herein provided and for the construction or reconstruction of bridges on such high density roads. The use may also be for the reconstruction, resurfacing, restoration and rehabilitation of the paved county roads and bridges or bridge replacement on the county road system. The use may also be for the construction, including draining, grading, basing and paving of certain unpaved roads, and reconstruction of certain paved roads accessing certain public and private recreational facilities and areas.

There is hereby created a committee to be referred to as the secondary road committee comprised of two county engineers appointed by the state highway director, two county commission members ~~appointed by the governor, one to be appointed by the lieutenant governor and one to be appointed by the speaker of the house of representatives,~~ and the chief of the bureau of secondary roads. The committee members shall serve at the pleasure of the appointing authority. The committee shall elect one of its members to serve as chairman. A quorum of the committee shall consist of no less than three members. Committee members shall serve without compensation.

The secondary road committee shall develop and publish criteria for the designation of high density roads and bridges and for the designation of eligible recreational access roads. The committee may in its discretion provide different criteria for counties according to population, topography and road mileage. The committee shall also develop and publish minimum design standards, including allowable cost items, for the construction, reconstruction, surfacing, resurfacing, restoration and rehabilitation of such high density roads and bridges and recreational access roads. Criteria and standards developed by the committee shall be published by distributing printed copies thereof to the chairman of each county commission in Alabama no later than 90 days after May 1, 1984. The committee may from time to time amend the criteria and standards developed provided that at least 60 days notice is provided in writing to the chairman of each county commission before the effective date of such amendment. The state highway department shall provide all supplies and clerical help necessary for the committee to execute its responsibilities.

County commissions are hereby required to submit all plans for the use of such proceeds to the highway director or his designee for approval. The highway director or his designee shall review all plans and approve them or disapprove them, based on the criteria and standards developed by the committee.

The funds distributed to the counties under this subsection shall not be commingled with other funds of the county except the counties' portion of the auto license tax distributed under section 40-12-270(a)(1), as amended and shall be kept and disbursed by such county from a special fund only for the purposes hereinabove provided.

The provisions of this section notwithstanding, any county may at **any time deposit all or any portion of such proceeds into the county's special RRR fund** as provided for in section 40-17-224, and may use the proceeds so deposited for any purpose authorized under said section.

b. \$408,981.00 shall be allocated to the highway department monthly and deposited in the state treasury to the credit of the public road and bridge fund. Such funds are hereby appropriated to the highway department to be used to match federal aid discretionary funds that may from time to time become available to the highway department. In the event that in any fiscal year other highway department funds are insufficient to match the department's regular federal aid apportionment, then at the highway director's recommendation and approval by the ~~governor~~ state highway commission funds appropriated under this subsection may be used to match said federal aid apportionment.

c. 2.76 percent of the balance of the proceeds shall be allocated among the incorporated municipalities of the state as follows:

1. A portion of the municipalities' share of the balance of the proceeds that is equal to 45.45 percent of the municipalities' share of the balance of the proceeds shall be allocated equally among the 67 counties of the state.

2. The entire residue of the municipalities' share of the balance of the proceeds being an amount equal to 54.55 percent of the municipalities' share of the balance of the proceeds shall be allocated among the 67 counties of the state on the basis of the ratio of the

population of each such county to the total population of the state according to the then next preceding federal decennial census, or any special federal census heretofore held in any county subsequent to the effective date of the 1980 federal decennial census.

3. The amount so allocated or apportioned to each county shall be distributed among the municipalities in the county with respect to which the allocation or apportionment is made, each such distribution among the said municipalities to be on the basis of the ratio of the population of each such municipality to the total population of all municipalities in the applicable county according to the then next preceding federal decennial census.

4. The population of any municipality incorporated subsequent to the taking of the then next preceding federal decennial census shall be deemed to be the population shown by the census for that municipality taken pursuant to the requirements of section 11-41-4. Any municipality incorporated after September, 1983, shall not participate in the distribution provided for in this section until the fiscal year next succeeding the fiscal year during which it is incorporated, the first distribution to such municipality to be made in respect of receipts of the inspection fee by the state during October of the fiscal year next succeeding the said incorporation.

5. Use of the inspection fee by a municipality shall be for transportation planning, the construction, reconstruction, maintenance, widening, alteration and improvement of public roads, bridges, streets and other public ways, including payment of the principal of and interest on any securities at any time issued by the municipality pursuant to law for the payment of which any part of the net tax proceeds were or may be lawfully pledged; provided, that no part of the balance of the proceeds referred to in this section shall be expended contrary to the provisions of the Constitution; and provided further, that funds distributed to municipalities under the provisions of this division shall not be commingled with other funds of the municipality, except the municipalities' portion of the highway gasoline tax, and shall be kept and disbursed by such municipality from a special fund only for the purposes hereinabove provided.

d. The balance of the proceeds after a, b and c above have been distributed monthly shall accrue to the credit of and be deposited in the public road and bridge fund.

(b) In the event of the collection hereunder from any person of an amount in excess of the amount of all permit fees, inspection fees or penalties properly and lawfully required to be paid by such person, such person may apply to the commissioner of agriculture and industries for a refund of the amount of such overpayment. If such application for refund is approved in whole or in part by the commissioner, the commissioner shall submit to the state comptroller a statement, approved by the state attorney general, setting forth the amount determined to have been overpaid and the date of the overpayment. The state comptroller shall then draw his warrant in favor of the person making such overpayment upon the state treasurer for the amount specified in the said statement, and such amount shall be paid out of current months collections before any distribution is made under subsection (a) of this section.

(c) The application for refund provided for in this section must be filed with the commissioner of agriculture and industries within 12 calendar months from the date upon which the overpayment was made, and no amount shall be refunded unless the application therefor is filed within the time prescribed herein.

(d) The department of agriculture and industries shall have authority to make and issue rules and regulations relating to the procedure to be followed in filing an application for a refund and for payment of any refund made under this section."

Section 11. Section 9-6A-8, Code of Alabama 1975, is hereby amended to read as follows:

"§ 9-6A-8.

The aggregate monetary obligation that the authority may incur in connection with its contracts shall not at any time exceed the sum of:

(1) Any uncommitted or unencumbered moneys then appropriated to the authority by the legislature, and

(2) Any uncommitted or unencumbered proceeds of bonds available or to become available from bonds authorized by the legislature.

No contract involving the expenditure of money, whether now or later, shall be approved or ratified by the board of directors unless the resolution approving or ratifying the same shall include a determination that there will be compliance with the preceding limitation when the amount of the obligation of the contract in question has been added to the already existing obligations of the authority. This determination by the board of directors shall be conclusive of the question of compliance.

All contracts of the authority for the construction, reconstruction, relocation, maintenance and operation of highways, roads and bridges, and work incidental or related thereto, and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the highway department, and shall be subject to the approval by the ~~governor~~ state highway commission and by the highway department. All work provided for in any such contract shall be supervised by the highway department. All persons engaging in the supervision or performance of any work involving highways, roads and bridges that may be done by the authority without the award of a contract therefor shall be employees of the highway department.

All contracts of the authority for the construction, reconstruction or relocation of any facilities or structures and all purchases of equipment by the authority shall be made on the basis of competitive bidding in the manner and according to the procedures provided in sections 39-2-1 through 39-2-13 and 41-16-20 through 41-16-32, and any other applicable statutes."

Section 12. Sections 29-2-2, 29-2-3 and 29-2-4, Code of Alabama 1975, are hereby amended to read as follows:

"§ 29-2-2.

A. There is hereby created a continuing permanent joint highway committee of the legislature to be known as the "joint highway committee." The said committee shall consist of ~~seven~~ fourteen members of the senate ~~appointed~~ elected by the ~~president~~ of the senate and ~~seven~~ fourteen members

of the house of representatives ~~appointed~~ elected by the ~~speaker of the house of representatives, one two senators and one two house members~~ to be a resident of each present United States congressional district in the state. Members of the joint highway committee shall be ~~appointed~~ elected within five legislative days after the convening of the ~~first regular organizational session after the election of each legislature~~. Members shall hold office during their terms as legislators and until their successors are ~~appointed~~ elected. Vacancies shall be filled by ~~appointment~~ election by the respective ~~presiding officer House or Senate~~. Such ~~appointees~~ members shall be residents of the congressional district where the vacancy exists.

B. The members of the joint highway committee shall be elected immediately following the effective date of this Act. Members elected shall hold office until their present term as legislator expires and until their successors are elected as provided in this section "A".

"§ 29-2-3.

Within 10 days after members of the joint highway committee are ~~appointed~~ elected as provided in this article, the committee shall convene at a place and time designated by the president of the senate in written notice given to each member at least five days in advance or without notice upon unanimous consent of the members of the joint highway committee. At said meeting, and at the initial meeting during each session of the legislature, the joint highway committee shall elect from its membership a chairman and vice-chairman. The joint highway committee shall meet, at the request of its chairman or as its members shall determine, in both cases upon written notice at least five days in advance or without notice upon unanimous consent of its membership; provided, that said committee shall meet at least once each three months. Decisions of the joint highway committee may be made by a majority of the members present and voting at any meeting as long as a quorum is in attendance. A quorum shall consist of any ~~eight~~ fifteen members. If less than a quorum is present at any meeting or any adjournment thereof, those members who are present may adjourn such meeting from time to time and a majority vote of such members present shall be sufficient, without any notice other than by announcement at the meeting, to adjourn the meeting from time to time until a quorum is in attendance. At any such adjourned meeting, any business may be transacted that might have been transacted at the meeting as originally called.

"§ 29-2-4.

The powers and duties of the joint highway committee shall be the following:

(1) It shall review a long-range (20-year) highway plan for proposed highway construction and modification of all highways falling under the jurisdiction of the highway department, which long-range plan shall commence with the fiscal year of the state beginning October 1, 1976. The said plan shall be updated annually; and after expiration of the first 20-year period, it shall recommend subsequent long-range plans for each subsequent period of 20 years. The said plans in appropriate form shall be made available to all government agencies and all members of the public and news media.

(2) It shall review priorities of all highway construction and modification projects falling under the jurisdiction of the highway department and review proposals for highway construction and modification for each fiscal year of the state.

(3) It shall review the budget for highway construction, modification, maintenance, operation and administration of the highway department on an annual basis, which budget shall be reviewed not later than the fifteenth legislative day of each annual session of the legislature.

(4) It shall issue a report to the ~~governor~~, lieutenant governor, house of representatives, senate and public within the first 10 legislative days of each annual regular legislative session, comparing actual performance of the highway department in terms of highway construction, modification, maintenance and costs of the same, to the original plan for the immediate preceding fiscal year.

(5) It shall recommend to the ~~governor~~ legislature necessary funding for highway department budgets to the extent necessary beyond funds already provided by law.

(6) It may retain the services of outside consultants, if necessary, and consult with other groups and individuals, including public interest groups, interested individuals and appropriate departments of the University of Alabama, Auburn University and other state institutions.

(7) It may hold public hearings, shall make diligent inquiry and a full examination of the long-range future highway needs of the state and shall file all reports of its findings and recommendations with both houses of the legislature and with the ~~governor~~ state highway commission.

(8) It shall have the power to call witnesses and do all things necessary or convenient in connection with and all things incidental to performance of the foregoing its duties and powers as provided by law.

(9) In performing its functions, the joint highway committee shall take into consideration, in determining plans for highway construction, modification and maintenance, among other factors:

- a. Commuter benefits in the form of direct savings to working men and women traveling to and from their jobs in the state;
- b. Industrial and agricultural growth;
- c. Highway safety;
- d. Ecological impacts of highway projects;
- e. Recreation and tourism; and
- f. Traffic density."

Section 13. Sections 32-5A-171, 32-5A-172, 32-5A-173 and 32-5A-174, Code of Alabama 1975, are hereby amended to read as follows:

"§ 32-5A-171.

Except when a special hazard exists that requires lower speed for compliance with section 32-5A-170, the limits hereinafter specified or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits.

- (1) No person shall operate a vehicle in excess of 30 miles per hour in any urban district.

(2) No person shall operate a motor vehicle on the highways in this state, other than interstate highways, at a speed in excess of 55 miles per hour at any time unless a different maximum rate of speed is authorized by the governor state highway commission under authority granted in subdivision (5).

(3) No person shall operate a motor vehicle, on an interstate highway within the state of Alabama, at a speed in excess of 55 miles per hour in urban areas of 50,000 population or more or in excess of 65 miles per hour outside such urban areas unless a different maximum rate of speed is permitted or allowed by the federal highway administration, or unless a different maximum rate of speed is authorized by the governor state highway commission under authority granted in subdivision (5) hereof.

(4) Notwithstanding any provisions of this section to the contrary, no person shall operate a passenger vehicle, motor truck or passenger bus which carries or transports explosives or flammable liquids, as defined in section 32-1-1.1, or hazardous wastes, as defined in section 22-30-3(5), in this state unless the vehicle, truck or bus prominently displays a current decal, plate or placard which is required by the rules or regulations of the DOT or the PSC which indicates or warns that the vehicle, truck or bus is carrying or transporting such substances. No person shall operate such vehicle, truck or bus at a rate of speed greater than 55 miles per hour at any time unless a different maximum rate of speed is authorized by the governor under authority granted in subdivision (5).

(5) The governor state highway commission is hereby specifically authorized to prescribe the maximum rate of speed whenever a different rate of speed is required by federal law in order for Alabama to receive federal funds for highway maintenance and construction.

(6) The maximum speed limits set forth in this section may be altered as authorized in sections 32-5A-172 and 32-5A-173."

"§32-5A-172.

Whenever the director of public safety and the highway director, with the approval of the governor state highway commission, shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the state highway system, said directors may determine and declare a reasonable and safe maximum limit thereat, which shall be effective when appropriate signs giving notice thereof are erected. Such a maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs."

"§ 32-5A-173.

(a) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under this article is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:

(1) Decreases the limit at intersections;

(2) Increases the limit within an urban district but not to more than the maximum rate of speed that may be prescribed by the ~~governor~~ state highway commission under subdivision (4) of section 32-5A-171.

(3) Decreases the limit on any street or highway under the jurisdiction and control of any county commission; or

(4) Increases the limit on any street, or highway under the jurisdiction and control of any county commission but not to more than the maximum rate of speed that is prescribed under section 32-5A-171.

(b) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this chapter for an urban district.

(c) Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

(d) Any alteration of maximum limits on state highways or extensions thereof in a municipality by local authorities shall not be effective until such alteration has been approved by the highway department.

(e) Not more than six such alterations as hereinabove authorized shall be made per mile along a street or highway, except in the case of reduced limits at intersections, in the difference between adjacent limits shall not be more than 10 miles per hour."

"§ 32-5A-174.

(a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(b) Whenever the director of public safety and the highway director, with the approval of the ~~governor~~ state highway commission, or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway consistently impede the normal and reasonable movement of traffic, the said directors or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, and that limit shall be effective when posted upon appropriate fixed or variable signs."

Section 14. Section 32-9-1, Code of Alabama 1975, is hereby amended to read as follows:

"§ 32-9-1.

Trailers, when used in a truck tractor-semitrailer-trailer combination may be operated on the national system of interstate and defense highways and other highways upon designation by the highway director and final approval by the ~~governor~~ state highway commission. The highway director shall, as a minimum, designate those highways necessary to cause the state of Alabama to be in compliance with the Federal Surface Transportation Assistance Act of 1982.

Except as provided above, no person shall operate any trailer, as defined in this title, on any highway unless such trailer is operated for the purpose of constructing highways or other facilities of the state or a political subdivision thereof. The highway department is authorized to regulate the movement of such trailers from one job to another by special permits issued in the same manner as permits are issued under section 32-9-29. No trailer or semitrailer of any kind shall be used for the hauling of passengers for hire except as provided by article 2 of this chapter.

The provisions of this article relating to trailers shall not apply to the movement over the highways of trailers manufactured, reconditioned or repaired in this state when reasonably necessary for the delivery of such trailers to the owners or purchasers thereof outside the state; provided, that such movement shall be subject to special permit to be issued by the director of the highway department. Such permits may be issued and may be renewed upon such terms and conditions, in the interest of public safety and the preservation of the highways, as the director of the highway department may in his discretion require, and he may designate the route over which such trailers may be moved and the hours of movement thereof."

Section 15. Section 33-16-9, Code of Alabama 1975, is hereby amended to read as follows:

"§33-16-9.

The aggregate monetary obligation that the authority may incur in connection with its contracts (other than contracts of the type described in the next succeeding paragraph) shall not at any time exceed the sum of:

- (1) Any uncommitted or unencumbered moneys then appropriated to the authority by the legislature; and
- (2) Any uncommitted or unencumbered proceeds of bonds available or to become available from bonds then authorized by the authority and approved by the governor pursuant to section 33-16-12.

No contract which is subject to the foregoing restriction and which involves the expenditure of money, whether now or later, shall be approved or ratified by the board of directors unless the resolution approving or ratifying the same shall include a determination that there will be compliance with the preceding limitation when the amount of the obligation of the contract in question has been added to the already existing obligations of the authority. This determination by the board of directors shall be conclusive of the question of compliance.

The restriction set forth in the preceding paragraph shall not apply to any contract between the authority and the United States, or an agency thereof, pursuant to which the authority agrees to satisfy the requirements of local contribution and participation with respect to a project related to the development of the waterway. Prior to the execution of any such contract between the authority and the United States, or an agency thereof, the board of directors of the authority shall adopt a resolution approving such contract, which resolution shall include a determination that the moneys expected to be available to the authority for the payment of its monetary obligations (if any) under such contract will be sufficient to pay such monetary obligations.

Except as otherwise provided in the last paragraph of this section, all contracts of the authority for the construction, reconstruction, relocation,

maintenance and operation of highways, roads and bridges, and work incidental or related thereto, and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the highway department and shall be subject to approval by the ~~governor and by the highway department~~ state highway commission. All work provided for in any such contract shall be supervised ~~by the highway department~~. All persons engaging in the supervision or performance of any work involving highways, roads and bridges that may be done by the authority without the award of a contract therefor shall be employees of the highway department.

Except as otherwise provided in the last paragraph of this section, all contracts of the authority for the construction, reconstruction or relocation of any facilities or structures and all purchases of equipment by the authority shall be made on the basis of competitive bidding in the manner and according to the procedures provided in sections 39-2-1 through 39-2-13 and 41-16-20 through 41-16-32, and any other applicable statutes.

In connection with the construction, reconstruction or relocation of highways, roads and bridges, and the acquisition of property necessary therefor, the authority may enter into contracts with the United States, or an agency thereof, pursuant to which the work related to any such construction, reconstruction or relocation shall be performed, and any property necessary therefor shall be acquired, by the United States, or an agency thereof, or by one or more contractors selected by the United States, or an agency thereof. Any such contract between the authority and the United States, or an agency thereof, shall not be subject to the requirements and restrictions (including, without limitation, the requirements with respect to competitive bidding) set forth in the two immediately preceding paragraphs of this section."

Section 16. Section 33-16-10, Code of Alabama 1975, is hereby amended to read as follows:

"§ 33-16-10.

Any duties and obligations of the authority which shall be delegated by the board of directors of the authority to the highway department, the state docks department or any other public corporation, agency or department of the state shall be undertaken and discharged by the public corporation, agency or department to which such duties and obligations shall have been delegated; provided, that such a delegation shall not be effective and shall not release the authority from the duties and obligations proposed to be delegated nor impose any duties or obligations on the public corporations, agencies and departments to which a delegation shall have been made unless ~~the governor and the director, head or governing body of the public corporation, agency or department to which a delegation shall have been made~~ shall approve such delegation in all respects; and, provided further, that the public corporation, agency or department shall at the time of such delegation be empowered by laws other than this chapter to perform duties and discharge obligations of the kind delegated and that this section shall not be construed to change the lawfully established nature and functions of public corporations, agencies and departments of the state."

Section 17. Sections 33-17-9 and 33-17-10, Code of Alabama 1975, are hereby amended to read as follows:

"§ 33-17-9.

The aggregate monetary obligation that the authority may incur in connection with its contracts shall not at any time exceed the sum of

(1) Any uncommitted or unencumbered moneys then appropriated to the authority by the legislature, and

(2) Any uncommitted or unencumbered proceeds of bonds available or to become available from bonds then authorized by the authority and approved by the governor pursuant to section 33-17-12.

No contract involving the expenditure of money, whether now or later, shall be approved or ratified by the board of directors unless the resolution approving or ratifying the same shall include a determination that there will be compliance with the preceding limitation when the amount of the obligation of the contract in question has been added to the already existing obligations of the authority. This determination by the board of directors shall be conclusive of the question of compliance.

All contracts of the authority for the construction, reconstruction, relocation, maintenance and operation of highways, roads and bridges, and work incidental or related thereto, and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the highway department, and shall be subject to approval by the ~~governor~~ state highway commission and by the highway department. All work provided for in any such contract shall be supervised by the highway department. All persons engaging in the supervision or performance of any work involving highways, roads and bridges that may be done by the authority without the award of a contract therefor shall be employees of the highway department.

All contracts of the authority for the construction, reconstruction or relocation of any facilities or structures and all purchases of equipment by the authority shall be made on the basis of competitive bidding in the manner and according to the procedures provided in sections 39-2-1 through 39-2-13 and 41-16-20 through 41-16-32, and any other applicable statutes."

"§ 33-17-10.

Any duties and obligations of the authority which shall be delegated by the board of directors of the authority to the highway department, the state docks department or any other public corporation, agency or department of the state shall be undertaken and discharged by the public corporation, agency or department to which such duties and obligations shall have been delegated; provided, that such a delegation shall not be effective and shall not release the authority from the duties and obligations proposed to be delegated nor impose any duties or obligations on the public corporations, agencies and departments to which a delegation shall have been made unless the ~~governor and the director~~, head or governing body of the public corporation, agency or department to which a delegation shall have been made shall approve such delegation in all respects; and, provided further, that the public corporation, agency or department shall at the time of such delegation be empowered by laws other than this chapter to perform duties and discharge obligations of the kind delegated and that this section shall not be construed to change the lawfully established nature and functions of public corporations, agencies and departments of the state."

Section 18. Section 40-12-270, Code of Alabama 1975, is hereby amended to read as follows:

"§ 40-12-270.

(a) The moneys collected each month by the judge of probate from motor vehicle license taxes and registration fees, after deducting therefrom

the amounts referred to in subdivisions (1) and (2) of subsection (a) of section 40-12-269, the moneys remaining after making the said deductions being referred to in this section as "the net proceeds," shall be disbursed by the judge of probate as follows:

(1) That portion of the net proceeds that consists of additional amounts paid under the schedule of additional amounts set forth in subsection (b) of section 40-12-248 shall be remitted by the judge of probate to the state treasurer who shall distribute said amounts as follows:

a. 64.75 percent of said amounts shall be distributed by the state treasurer among the 67 counties as follows:

b. 35.25 percent of said amounts shall be apportioned and distributed by the state treasurer among the 67 counties as follows:

1. A portion of the counties' share of the net tax proceeds that is equal to 42.16 percent of the total net tax proceeds distributed to counties under paragraph (a)(1)b of this section, shall be allocated equally among the 67 counties of the state.

2. The entire residue of the counties' share of the net tax proceeds, being an amount equal to 57.84 percent of the total net tax proceeds distributed to counties under paragraph (a)(1)b of this section, shall be allocated among the 67 counties of the state on the basis of the ratio of the population of each county to the total population of the state according to the then next preceding federal decennial census, or any special federal census heretofore held in any county subsequent to the effective date of the 1980 federal decennial census.

(2) The entire residue of the net proceeds remaining after compliance with subdivision (1) of this subsection shall be distributed as follows:

a. Seventy-two percent of the said residue, referred to in this subdivision, shall be distributed to the state of Alabama and shall be remitted by the judge of probate to the state treasurer;

b. Twenty-one percent of the said residue, referred to in this subdivision, shall be remitted by the judge of probate to the municipality in which the owner of the motor vehicle resides or with respect to which it is registered as required by law, or, if the said owner does not reside in, or the motor vehicle is not required by law to be registered with respect to, an incorporated municipality, then to the county in which the license tax or registration fee with respect to the said motor vehicle is paid; and

c. Seven percent of the said residue, referred to in this subdivision, shall be remitted by the judge of probate to the state treasurer and shall be apportioned by the state treasurer among the several counties of the state in an amount for each county that bears the same relation to, and constitutes the same proportion of, the total of the said seven percent that the total number of motor vehicles registered in such county bears to the total number of motor vehicles registered in the entire state. The amounts so apportioned to each county shall be distributed by the state treasurer as follows:

1. Ten percent of the amount so apportioned to each county shall be distributed among the municipalities in the county with respect to which the apportionment is made, each such distribution to be

on the basis of the ratio of the population of each such municipality to the total population of all municipalities in the applicable county according to the then next preceding federal decennial census; and

2. The remaining portion of the amount so apportioned to each county shall be distributed to the county to which such apportionment is made.

(b) Payment of the amounts herein provided to be distributed by the state treasurer to counties and municipalities shall be made monthly by state warrant and shall be mailed, in the case of such distribution to a county, to the county treasurer (or other officer or entity having the functions of a county treasurer) of that county and, in the case of a distribution to a municipality, to the treasurer of that municipality.

(c) Any municipality incorporated after September 30, 1967, shall not participate in the distribution provided for in this section until the fiscal year next succeeding the fiscal year during which it is incorporated. The population of any municipality incorporated subsequent to the taking of the then next preceding federal decennial census shall, until the effective date of the then next succeeding federal decennial census, be deemed to be the population shown by the census for that municipality taken pursuant to the requirements of section 11-41-4. For the purposes of this section, each federal decennial census shall be deemed to be effective on October 1 next following the publication of the results of such decennial census.

(d) The amounts remitted to the state treasurer pursuant to subdivision (2) of subsection (a) of section 40-12-269 and all moneys provided in this section to be distributed to the state of Alabama shall be covered into the treasury to the credit of the public road and bridge fund and disbursed as follows:

(1) The amounts appropriated by the legislature out of the motor vehicle license taxes and registration fees for the payment of expenses of the state department of revenue in the collection of the said taxes and fees, including salaries, costs of tags and other costs of collection, shall be paid out of the portion of said taxes and fees that is remitted to the state treasurer pursuant to subdivision (2) of subsection (a) of section 40-12-269;

(2) So much of the net proceeds distributed to the state of Alabama pursuant to the provisions of this section as shall be necessary for such purpose shall be used for the following purposes in the following order:

a. Payment at their respective maturities of the principal of and interest on bonds, other than refunding bonds, issued by Alabama highway authority under the provisions of Acts 1967, Ex. Sess., No. 225, p. 302;

b. Payment at their respective maturities of the principal of and interest on bonds, other than refunding bonds, issued by the said Alabama highway authority under the provisions of Acts 1969, No. 781, p. 1398;

c. Payment at their respective maturities of the principal of and interest on bonds, other than refunding bonds, issued by the said Alabama highway authority under the provisions of Acts 1971, No. 1416, p. 2414; and

d. Payment at their respective maturities of the principal of and

interest on any bonds or other obligations, including refunding obligations, issued after December 1, 1977, by a public corporation existing at the time of issuance under the laws of Alabama pursuant to then existing statutory or constitutional authorization, or by the state of Alabama pursuant to authorization, effective at the time of issuance, under the Constitution and laws of the said state, and for which the said net proceeds referred to in this subdivision (2) shall have been appropriated and pledged in a then effective statute or constitutional provision (including any enabling act under a constitutional provision), all in the manner and to the extent and subject to such priorities in rank as may be provided in such statute or constitutional provision or in an authorizing resolution thereunder; and

(3) The balance of the moneys referred to in subdivisions (1) and (2) of this subsection remaining after compliance with the said subdivisions shall be used by the state highway department for construction and maintenance of public roads and bridges in the state and for any other purpose for which moneys in the public road and bridge fund may be lawfully used.

(e)(1) All moneys received by a municipality or county under this section, except that portion of the said moneys that constitute collections from additional amounts paid under the schedule of additional amounts set forth in subsection (b) of section 40-12-248 and distributed under subdivision (a)(1) of this section, shall be used by such municipality or county exclusively for the construction, improvement and maintenance of public highways or public streets, including administrative expenses in connection therewith and retirement of securities evidencing obligations incurred for payment of costs of such construction, improvement and maintenance.

(2) All moneys received by a county under this section which constitute collections from **additional amounts paid under the schedule of additional amounts set forth in subsection (b) of section 40-12-248** and distributed under subdivision (a)(1) of this section shall be used by such county for the construction, including draining, grading, basing, paving, signing and erosion items, of certain high density unpaved roads as herein provided and for the construction or reconstruction of bridges on such high density roads. The use may also be for the reconstruction, resurfacing, restoration and rehabilitation of the paved county roads and bridges or bridge replacement on the county road system. The use may also be for the construction, including draining, grading, basing and paving of certain unpaved roads, and reconstruction of certain paved roads accessing certain public and private recreational facilities and areas.

There is hereby created a committee to be referred to as the secondary road committee comprised of the chief of the bureau of secondary roads of the state highway department, two county engineers appointed by the state highway director and two county commission members, ~~appointed by the governor~~ one county commission member appointed by the lieutenant governor and one county commission member appointed by the speaker of the house of representatives. The committee members shall serve at the pleasure of the appointing authority. The committee shall elect one of its members to serve as chairman. A quorum of the committee shall consist of no less than three members. Committee members shall serve without compensation.

The secondary road committee shall develop and publish criteria for the designation of high density roads and bridges and for the designation of

eligible recreational access roads. The committee may in its discretion provide different criteria for counties according to population, topography and road mileage. The committee shall also develop and publish minimum design standards, including allowable cost items, for the construction, reconstruction, surfacing, resurfacing, restoration and rehabilitation of such high density roads and bridges and recreational access roads. Criteria and standards developed by the committee shall be published by distributing printed copies thereof to the chairman of each county commission in Alabama no later than 90 days after June 1, 1984. The committee may from time to time amend the criteria and standards developed provided that at least 60 days' notice is provided in writing to the chairman of each county commission before the effective date of such amendment. The state highway department shall provide all supplies and clerical help necessary for the committee to execute its responsibilities.

County commissions are hereby required to submit all plans for the use of such proceeds to the highway director or his designee for approval. The highway director or his designee shall review all plans and approve them or disapprove them, based on the criteria and standards developed by the committee.

The funds distributed to the counties under this subsection shall not be commingled with other funds of the county except the counties' portion of the inspection fee distributed under section 8-17-91, and shall be kept and disbursed by such county from a special fund only for the purposes hereinabove provided.

The provisions of this section notwithstanding, any county may at any time deposit all or any portion of such proceeds into the county's special RRR fund as provided for in section 40-17-224 and may use the proceeds so deposited for any purpose authorized under said section."

Section 19. Sections 36-7-21 and 36-15-21 Code of Alabama 1975, are hereby amended to read as follows:

"§ 36-7-21.

Persons traveling in the service of the state or any of its departments, institutions, boards, bureaus, commissions, councils, committees or other like agencies, except such institutions of higher learning as are under the control of a board of trustees and Alabama State University, outside the state of Alabama shall be allowed all of their actual and necessary expenses in addition to the actual expenses for transportation; provided that such travel shall have first been fully authorized in writing by the governor; provided further, that with respect to the highway commission, members of the commission, the highway director, the deputy highway director and the employees of the highway department, such travel shall be authorized in writing by the chairman of the state highway commission for the members of the highway commission and the highway director and authorized in writing by the highway director for the deputy highway director and the employees of the department; provided further, that with respect to the legislative department, members of the legislature, subordinate officers and employees of the legislature and the directors and employees of the legislative departments (legislative reference service, legislative fiscal office and examiners of public accounts), such travel shall be authorized in writing by the lieutenant governor for the lieutenant governor and members of the senate, by the speaker of the house, for the speaker of the house and members of the house of representatives, by the secretary of

the senate or the clerk of the house for subordinate officers and employees of the legislature and by the directors for the directors and employees of the legislative departments; and with respect to the judicial department, the officers and employees thereof, such travel shall be authorized in writing by the chief justice. Persons representing the excepted institutions of higher learning shall receive authority for out-of-state travel from the presidents of said institution. Persons representing the state department of agriculture and industries shall receive authorization for out-of-state travel from the commissioner of agriculture and industries. The provisions of this section shall not apply to examiners or other persons designated by the commissioner of insurance to examine or cause to be examined insurance corporations qualified or attempting to qualify in this state when the expense incurred by such examiner shall be paid by or collected or received from such insurers or persons examined under the provisions of section 27-2-25.

“§ 36-15-21.

A. All litigation concerning the interest of the state, or any department thereof, shall be under the direction and control of the attorney general, and the employment of any attorneys for the purpose of representing the state or any department thereof shall be by the attorney general with the approval of the governor, except as provided herein, but nothing in this section shall prevent the governor from employing personal counsel, whose compensation shall be payable out of the governor's contingent fund.

B. All litigation concerning the interest of the state highway department shall be under the direction and control of the state highway commission. The employment of all attorneys for the purpose of representing the state highway department shall be by the attorney general with the approval of the state highway director.

Section 20. Sections 40-17-78 and 40-17-224, Code of Alabama 1975, **are hereby amended to read as follows:**

“§ 40-17-78.

Wherever in this division any portion of the net tax proceeds is provided to be applied or used for highway purposes, the same shall be used as follows:

(1) Where the use is by the highway department, such use shall, with the approval of the governor state highway commission, be for the construction of public roads and bridges in the state, the maintenance of public roads and bridges on the state highway system, the equipment and preparation of convicts for use upon the public roads and bridges in the state, the maintenance of such convicts while at work upon such roads and bridges, the compensation to the state for the said use of such convicts and for such other public road and bridge purposes in the state as may be authorized by the highway department with the approval of the governor state highway commission;

(2) Where the use is by a county, such use shall be for transportation planning, the construction, reconstruction, maintenance, widening, alteration and improvement of public roads and bridges as is now or may hereafter be provided by law, including payment of the principal of and interest on any securities at any time issued by the county pursuant to law for payment of which all or any of the net tax proceeds were or may be lawfully pledged, and such use may also be for the purpose and subject to the provisions contained in section 40-17-75;

(3) Where the use is by a municipality, such use shall be for transportation planning, the construction, reconstruction, maintenance, widening, alteration and improvement of public roads, bridges, streets and other public ways, including payment of the principal of and interest on any securities at any time issued by the municipality pursuant to law for the payment of which any part of the net tax proceeds referred to in this section shall be expended contrary to the provisions of the Constitution; and provided further, that funds distributed to municipalities under the provisions of this division shall not be commingled with other funds of the municipality and shall be kept and disbursed by such municipality from a special fund only for the purposes hereinabove provided."

"§ 40-17-224.

(a) Within the meaning of this section the following words and phrases shall have the following meaning:

(1) **RESURFACING, RESTORATION AND REHABILITATION (RRR).** Work undertaken primarily to preserve an existing facility. Restoration and rehabilitation is considered to be work required to return the existing pavement or bridge deck (including shoulders) to a condition of adequate structural support or to a condition adequate for placement of an additional state of construction (bridge deck protective system or resurfacing). Resurfacing consists of the placement of additional surface material over the existing, restored or rehabilitated roadway or bridge deck to improve serviceability or to provide additional strength. RRR work may include changes to geometric features, such as minor widening, flattening curves, or improving sight distances.

(2) **BRIDGE REPLACEMENT.** Bridge replacement includes the replacement of existing bridge structures, and if necessary, the realignment of the adjacent approaches.

(b) It is the intent of the legislature that the proceeds of the tax collected on motor fuel, gasoline and lubricating oil under the provisions of this article shall be used in the following manner:

(1) Where the use is by the highway department, such use shall, with the approval of the governor state highway commission, be for the construction and maintenance of public roads and bridges on the state highway system.

(2) Where the use is by a county, such use shall be for the resurfacing, restoration, and rehabilitation of the paved county roads and bridges or bridge replacement on the county road system. Such funds shall not be used for new construction unless 90 percent of the county's paved road system has achieved a grade of 85 percent based on the state of Alabama highway department's annual maintenance report of county roads and bridges. These funds shall not be used for the purchase of equipment. The net tax proceeds distributed to the county shall not be commingled with other funds of the county, including any other gasoline tax revenues, and shall be kept and disbursed by such county from a special fund only for the purposes hereinabove provided.

(3) Where the use is by a municipality, such use shall be for resurfacing, restoration and rehabilitation of roads, bridges, and streets within the municipality. The use may also be for bridge replacement within the

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municipality. Provided, however, from time to time, that where the use is by a municipality such funds may also be used to construct new roads and streets within such municipality. These funds shall not be commingled with other funds of the municipality including any other gasoline tax revenues and shall be kept and disbursed by such municipality from a special fund only for the purposes hereinabove provided."

Section 21. Section 41-4-16, Code of Alabama 1975, is hereby amended to read as follows:

"§ 41-4-16.

(a) ~~No bonds or other evidences of indebtedness of any commission or authority created to construct or reconstruct highway bridges, approaches and appurtenances thereto,~~ any housing authority, any state rural electrification authority, any electric membership corporation, any power district or any improvement authority shall be issued or sold until the consent to the issuance and sale thereof shall have been given by the department of finance, to be evidenced by the written approval of the director of finance. Such consent shall be granted only after a public hearing and after a petition requesting such consent has been duly filed by the corporation, authority, district, commission or other body seeking such consent with the department more than five days before such public hearing. Such petition shall specify the plan or program of the body seeking such consent and the uses to which it is proposed to put the proceeds of such issue and such other matters as are necessary to fully advise such department of the nature of the proposed project, and said petition shall include such other information as may be required by the rules of the department. The department of finance shall grant such consent only after it finds that such issue or sale serves some public need and is in the public interest. It shall be unlawful for the body seeking such consent or anyone to use the proceeds of any such issue or sale **contrary to the plan and purposes** presented to the department in obtaining its consent thereto. The provisions of this section shall not apply to any bonds or other evidence of indebtedness issued by an municipality, or any agencies, bureaus or commissions thereof."

(b) The provisions of this section shall not apply to any commission or authority created to construct or reconstruct highway bridges, approaches and appurtenances thereto.

Section 22.

(a) Following the effective date of this act the members of the state highway commission shall be appointed and shall serve as provided in section 3 herein, except as provided below:

1. Within five days following the effective date of this act the members of the commission shall be elected as provided in sections 3(a)1 and 3(a)2 for the following terms:

(a) The members of the commission elected from congressional districts 1, 2, 3, and 4 shall serve a four year term.

(b) The members of the commission elected from congressional districts 5, 6 and 7 shall serve a six year term.

(c) The members of the commission appointed by the lieutenant governor and the speaker of the house shall serve a two year term.

2. The members of the commission serving under subsection 1 above

shall begin to serve on the commission immediately upon election and appointment.

3. Within the first five legislative days of the 1989 session of the legislature the persons elected and appointed under subsection 1 above shall be submitted to the senate for confirmation.

4. Members of the commission elected and appointed under this section shall serve, unless rejected by the senate, or until their successors are duly elected and appointed and confirmed as provided in section 3 herein.

Section 23.

It shall be the duty of the state highway commission and the commission shall have the authority to adopt rules and regulations to carry out the provisions of this act.

Section 24.

The provisions and terms of this act shall in no way affect, change or repeal any contractual obligation entered into on behalf of the state highway department or to which the state highway department is a party prior to the passage and approval of this act.

Section 25.

All laws or parts of laws, special, local, or general which conflict or are inconsistent with this act are hereby repealed, insofar as such laws or parts of laws conflict with or are inconsistent with this act.

Section 26.

The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part or parts that remain.

Section 27.

The provisions of this act shall be effective immediately upon passage and approval by the governor or its otherwise becoming a law.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 106

S. B. 322

S. B. 429

S. B. 246

S. B. 341

Delivered to the Governor April 5, 1988, at 2:35 P.M.

McDOWELL LEE,
Secretary of Senate.

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SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 7 o'clock P.M., on motion of Senator Foshee, pending further consideration of the Bill, S. B. 484, the Senate adjourned until Thursday, April 7, 1988, at 10:10 A.M.

TWENTY-FIRST LEGISLATIVE DAY

THURSDAY, APRIL 7, 1988

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by the Reverend Dr. Frank Hyles, Pastor, Aldersgate United Methodist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Will Turner, Cloverdale Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Figures	Manley
Amari	Corbett	Foshee	Menton
Bailey	Covington	Goodwin	Mitchem
Barron	deGraffenried	Hale	Parsons
Bedford	Denton	Hand	Preuitt
Bedsole	Dial	Hilliard	Rice
Bennett	Dixon	Holmes	Sanders
Bishop	Drinkard	Horn	Smith (B)
Cabaniss	Ellis	Langford	Smith (J)

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JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twentieth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Twentieth Legislative Day was approved by the Senate.

RULE 17 INVOKED

Senator Hand requested that Senate Rule 17 be invoked for today.

And the President and Presiding Officer of the Senate ordered that Senate Rule 17 be invoked for today.

REPORTS OF COMMITTEES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Rep. Breedlove:

H. 27. To provide for the creation, appointment, organization, operation, meetings and continuance of the St. Stephens Historical Commission; to provide for acquiring, constructing, establishing, maintaining and promoting certain properties and structures of historical interest and functional utility at St. Stephens, in the vicinity of the site of the first territorial capital of Alabama; to provide for financial cooperation with other public or private agencies and historical organizations; and to provide for the employment of personnel.

By Rep. Campbell:

H. 114. To revise the law on redemption of real estate and provide: definitions; who may redeem and priorities; to extend rights under this bill to executors and administrators; to characterize the rights of redemption under this bill; demand for statement of debt and lawful charges by person entitled to redeem; payment or tender of purchaser money and other lawful charges, with interest; payment of value of permanent improvements and how the value of improvements are ascertained; provisions for when there is a failure or refusal of a purchaser to recover title; the settlement and adjustment of rights and equities by a circuit court when a complaint is filed; and when a right to redeem does not exist. This act applies only to mortgages foreclosed on or after the effective date of this Act which is January 1, 1989. The bill further repeals Alabama Code Sections 6-5-230 through 6-5-246 as amended.

By Rep. Campbell:

H. 116. To revise the law on powers contained in mortgages on real estate and to provide: definitions; foreclosure by power of sale; minimum standards for notice of sale; method of conducting foreclosure by power of sale; and successive sales under power permitted. This Act applies only to mortgages, defined herein, executed on or after the effective date of this Act which is January 1, 1989.

By Reps. McKee, Mikell, Blakeney, Headley, Payne, Wright, Butler, Marks, Venable, Carter, Junkins, and Hamilton:

H. 172. To provide that a contract for surrogate motherhood shall be absolutely null, void, and unenforceable as contrary to public policy.

By Reps. Dillard and Marks:

H. 171. Authorizing and empowering industrial development authorities that own and utilize properties having airport facilities to exercise those powers granted to airport authorities under Section 4-3-11 of the Code of Alabama 1975.

By Senators Bedsole, Bennett, and Dial:

S. 443. To amend Section 15-23-3, Code of Alabama, 1975, to increase the expenses related to funeral, cremation or burial, payable to the Alabama Crime Victims Compensation Commission to victims of violent crime to the

amount of \$3,000.00 and Section 15-23-5, Code of Alabama, 1975, to authorize the Executive Director of the Alabama Crime Victims Compensation Commission to pass upon all supplemental applications for compensation in an amount not to exceed \$1,000.00 and to pass upon all original applications for claims in an amount not to exceed \$500.00; and Section 15-23-15, Code of Alabama, 1975, to increase the compensation payable to a victim and to all other claimants by the Alabama Crime Victims Compensation Commission to the amount of \$25,000.00 in the aggregate and to increase the present value of all future economic loss to an amount not to exceed \$2,000.00.

By Reps. Butler and Clark (J):

H. 463. To amend Section 40-12-4 of the Code of Alabama 1975; to provide that proceeds from the franchise, excise and privilege license taxes therein authorized to be levied by the governing body of any county may be used for any public school purpose in such county, including capital improvements and the payment of debt service on obligations issued therefor; to provide that such amendment of said Section 40-12-4 is declarative of existing law respecting the use of proceeds from such taxes for public school purposes and that such amendment shall therefore have both a prospective and a retroactive or retrospective operation; and to authorize the use for any public school purpose of proceeds from taxes heretofore levied pursuant to said Section 40-12-4.

UNFINISHED BUSINESS BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 484. To amend Title 23, Code of Alabama 1975, so as to provide for the creation and establishment of a State Highway Commission. To define and provide for the appointment, qualifications, duties, compensation and terms of the members of the State Highway Commission. To further define and provide for the office of State Highway Director, to establish for the appointment, qualifications, duties, term and compensation of the State Highway Director. To create and establish the office of Deputy Highway Director. To define and provide the appointment, qualifications, duties and compensation of the Deputy Highway Director. To provide that the State Highway Commission shall be vested with the control and supervision of the State Highway Department. To amend Sections 23-1-20, 23-1-21, 23-1-22, 23-1-32, 23-1-35, 23-1-37, 23-1-40, 23-1-41, 23-1-42, 23-1-54, 23-1-55, 23-1-58, 23-1-61, 23-1-156, 23-1-157, 23-1-158, 23-1-170, 23-1-176, 23-1-178, 23-1-300, 23-1-302, 23-1-303, 23-1-305, 23-1-310, 23-1-313, 23-1-317, 23-2-143, 23-2-144, 23-2-161, 23-6-2, 23-6-3, 23-6-4, 23-6-6, 23-6-8, 23-6-9, Code of Alabama 1975; to provide for the duties and responsibilities of the state highway commission. To amend Sections 23-1-150, 23-1-151, 23-1-152, 23-1-154, Code of Alabama 1975, to provide for the makeup of the Alabama highway authority. To amend Sections 23-1-171, 23-1-172, 23-1-174, 23-1-177, Code of Alabama 1975, to provide for the duties and responsibilities of the Alabama highway finance authority. To amend Sections 23-1-300, 23-1-302, 23-1-303, 23-1-305, Code of Alabama 1975, to provide for the makeup and duties of the Federal Aid Highway Finance Authority. To further amend Sections 9-6A-8, 32-5A-171, 32-5A-172, 32-5A-173, 32-5A-174, 32-9-1, 33-16-9, 33-16-10, 33-17-9, 33-17-10, 40-17-78, 40-17-224, 41-4-16, Code of Alabama 1975. To provide further for the duties and responsibilities of the

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members of the state highway commission. To further amend Sections 8-17-91 and 40-12-270, Code of Alabama 1975, so as to provide for the appointment of the members of the secondary road committee and further for the duties of the state highway commission. To further amend Section 29-2-4, Code of Alabama 1975, so as to further provide for the duties of the Permanent Joint Legislative Highway Committee.

The question was on the Foshee substitute for the Dial substitute, which said substitutes are set out in the Journal of the Senate for the Twentieth Legislative Day.

RECESS

At 11:35 A.M., on motion of Senator Covington, the Senate took a recess subject to the call of the Chair.

At 11:45 A.M., the recess period having expired, the Senate was called to order by Senator Drinkard, Acting President and Presiding Officer. A quorum of the Senate was present.

FURTHER CONSIDERATION OF S. B. 484

The Senate proceeded to further consideration of the Bill, S. B. 484. The question was on the Foshee substitute for the Dial substitute.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S.38. To authorize and empower the public service commission to impose a surcharge on customers of telephone companies in the State in order to provide telephone service to persons with hearing and speech impairments.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF S. B. 484

The Senate proceeded to further consideration of the Bill, S. B. 484. The question was on the Foshee substitute for the Dial substitute.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S.38. To authorize and empower the public service commission to impose a surcharge on customers of telephone companies in the State in order to provide telephone service to persons with hearing and speech impairments.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF S. B. 484

The Senate proceeded to further consideration of the Bill, S. B. 484. The question was on the Foshee substitute for the Dial substitute.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Biddle, Drake, Cosby, Britnell, McMillan, Kvalheim, Mikell, Beers, Gray, Curry, Butler, Carter, Campbell, Higginbotham, Hammett, Rogers, Harvey, Johnson (RG), Clark (W), Johnson (RW), Gaston, Kennedy, Newton, Venable, White (L), Mathis, Blakeney, Holley, Coburn, Ford, Buskey (JL), Bryant, Warren, Faulk, Bowling, Bugg, McDowell, Wright, Petelos, Knight, White (G), Zoghby, and Carothers:

H. 748. To amend Section 40-25-23, Code of Alabama 1975, to provide that the revenues derived from the tax levied upon cigarettes by Sections 40-25-2 and 40-25-41 of the Code of Alabama 1975, so as to provide that the twelve and twelve one hundredths percent of the said tax shall be used first to pay bonds of the state issued for acquisition and construction of mental health facilities under Amendment 266 to the Constitution of Alabama and second, to any bonds that may be issued by the Alabama Mental Health Finance Authority under the provisions of an act adopted at the 1988 Regular Session of the Legislature of Alabama that was introduced as H Bill No. 747; to correct a typographical error in Section 40-25-23, subsection (1)b.1(vii); to change references to the mental health board to the Department of Mental Health and Mental Retardation provided for in Chapter 50 of Subtitle 2 of Title 22 of the Code of Alabama 1975; and to delete the provisions for distribution of proceeds of the said tax to Alabama Mental Health Building Authority.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 748—to the Committee on State Development and Tourism

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Biddle, Drake, Johnson (RW), Cosby, Breedlove, Britnell, McMillan, Kvalheim, Mikell, Beers, Gray, Curry, Carter, Campbell, Higginbotham,

Hammett, Butler, Knight, Rogers, Harvey, Johnson (RG), Clark (W), Gaston, Kennedy, Newton, Venable, White (L), Mathis, Blakeney, Holley, Bowling, Coburn, Ford, Holmes, Buskey (JL), Bryant, Warren, Faulk, Bugg, McDowell, Wright, Petelos, White (G), Carothers, and Zoghby:

H. 747. To provide for the organization of a public corporation in the state to be known as Alabama Mental Health Finance Authority; to designate the officers and members of the board of directors of the Authority; to prescribe the powers of the Authority, including the power to provide for the acquisition, construction, improvement and equipping of mental health facilities (including interests in land), consisting of mental health centers and facilities for the treatment and care of the mentally ill, mentally retarded, alcoholism or drug addiction and to finance such construction by the issuance of its bonds; to provide that such bonds and the income therefrom shall be exempt from all taxation, and that such bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies and for investment of trust funds, and shall not create an obligation or debt of the state; to provide that all bonds issued by the Authority may thereafter be refunded by the issuance of refunding bonds; to permit the establishment of trust funds in connection with such refunding bonds; to provide for the disposition of bond proceeds not used to acquire mental health facilities; to provide for the disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of that portion of the proceeds from the special tax levied by Sections 40-25-2 and 40-25-41 of the Code of Alabama 1975, that is required to be distributed to the Authority by the provisions of an act adopted at the 1988 Regular Session of the Legislature of Alabama that was introduced as _____ Bill No. _____, to the extent necessary to pay the principal of and the interest on bonds of the Authority as such principal and interest mature; to authorize the Authority to pledge such funds for payment of the principal of and interest on its bonds; **to provide that such principal and interest shall be payable solely from such funds**, but that the said bonds will nevertheless constitute negotiable instruments; to provide that the state treasurer shall be custodian of the funds of the Authority; to provide for the dissolution of the Authority; and to repeal Act No. 277, adopted at the 1967 Regular Session of the Legislature of Alabama which provides for the Alabama Mental Health Building Authority.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 747—to the Committee on State Development and Tourism

FURTHER CONSIDERATION OF S. B. 484

The Senate proceeded to further consideration of the Bill, S. B. 484. The question was on the Foshee substitute for the Dial substitute.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bill delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 38

Delivered to the Governor April 7, 1988, at 2:50 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

The hour of Midnight having arrived, the President and Presiding Officer of the Senate declared the Senate adjourned, pending further consideration of the Bill, S. B. 484, until Friday, April 8, 1988, at 10 o'clock A.M.